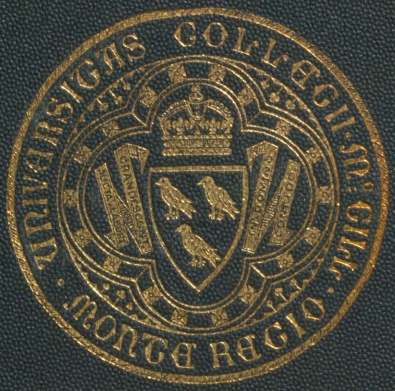

VIRWARSIGHS COLV·AGII·MC·GIM·
·MONCA REGIO·

A NEW DISCOVERY OF THE PRELATES TYRANNY,

In their late prosecutions of Mr. *William Pryn*, an eminent *Lawyer*; Dr. *John Bastwick*, a learned *Physitian*; and Mr. *Henry Burton*, a reverent *Divine*.

Wherein the separate, and joynt proceedings against them in the *High-Commission*, and *Star-Chamber*; their *Petitions*, *Speeches*, *Cariages*, at the hearing, and *Execution* of their *last sentence*, and the *Orders*, *Letters* for, and *manner* of their *removes to*, and close *imprisonments* in the *Castles* of *Lancester*, *Lancaster*, *Carnarvan*, and Isles of *Sylly*, *Garnsey* and *Jersy*; The procee dings against the *Chestermen*, and others before the *Lords*, and *High Commissioners* at *York*: for visiting Mr. *Pryne*; The Bishop of *Chesters order*, for *Ministers* to preach against M. *Prynne*, and the *Yorke Commissioners* decree to deface, and burne his pictures at *Chester* high-Crosse.

The *House of Commons Order* for, and manner of their *returnes* from *Exile*; their *petitions to the Parliament*; the *Votes of the Commons house upon the report of their Cases*, *declaring the proceedings and censures against them illegall*, *groundlesse*, *and against the Subjects liberty*, with M. *Prynnes* Argument, proving all the parts of his *censures*, with the *proceedings* against *him*, and his *Chester* friends *at York*, *to be against Law*; are truly related; for the benefit of the present age, and of posterity.

Seneca, *Medea*.

Qui aliquid statuerit parte inaudita altera; *licet rectè statuerit*, *haud æquus est Iudex*.

PSAL 94 20, 21, 22, 23.

Shall the throne of iniquity have fellowship with thee, which frameth mischiefe by a *Law*? They *gather themselves together* against the *soule of the Righteous*, and *condemne the Innocent blood*: But the Lord is my defence, and my God is the Rock of my Refuge; And *he shall bring upon them their owne Iniquity*, *and shall cut them off in their owne wickednesse*; yea, *the Lord our God shall cut them off*.

Printed at *London* for M. S. 1641.

To the Courteous Reader.

KInde Reader, *I here present thee with a late* tragicall Hiſtory, *or* new Diſcovery of the Prelates tyranny, *in their* unjuſt Proſecutions, *and* bloody Perſecutions *of three eminent perſons of the three* moſt noble Profeſſions *in the Kingdom*, Divinity, Law, Phyſick; *all ſuffering together on the* Pillory (*much honoured by them, and they by it*) *& loſing all their* Eares *at once, to make themſelves* hearebetter, *and the Prelates* * worſe. *Such a* ſpectacle both to men, and Angels, *no age ever ſaw before; and poſterity is never like to behold hereafter. To heare of* Lord Biſhops metamorphoſed into* ravenous Wolves, *is no* Noveltie; *they have been thus in every age, and will be ſo, whiles they have continuance: But to ſee them mounted to ſuch an* Alti-

* *Qui malè facit malè audit.*

* *Acts* 20. 28. 29. *Matth* 7. 15.

Altitude *of* Authoritie, *and* Tyranny, *as to crucify* Divinity, Law, Physick *on the Pillorie together; and to make* Judges, Peeres, and Courts of Justice, *if not* Soveraignitie *it selfe*, *the* * executioners *of their* Malice, cruelty, and private revenge, *by such extravagant and unitoden courses as were unknown to our Ancestors, is such a* prodigious Innovation, *as neither* Affrica *nor England ever beheld the like; and never had beene brought forth into the World, had not a* venomous Archprelate *proved a* Father *to engender, a* Mother *to foster, a* Midwife *to produce and bring it to its birth.*

* See Fox Acts & Monuments vol. 1. p. 526. Edit. ult.

But alas poore silly Politician! *whiles he sought these* innocents ruine *by those unwarrantable practises, he laid but the foundation of* his own overthrow; *in the* * snare that he layd for them, is his own foote taken, into the pit that he digged for them, he is fallen himselfe; his snares are broken, they are escaped, *and he now lies intangled in them*; he is * cast down and fallen, but they are risen & stand upright; his mischiefe

* Prov. 26, 27. c. 28. 10. Psal. 7. 15, 16. Psal. 9. 15, 16. Psal. 124. 7. Psal. 140. 9. 10, 11.

* Psal. 20. 8.

now

now returnes on his owne head, and his violent dealing comes downe upon his own pate; evill now hunts this man of violence to overthrow him, and the mischiefe of his owne lips doth cover him. * As hee hath done, so God hath requited him.* Whiles he made haſt to ſhed their blood, he did but lie in waite for his own; *And he* * that did violence to the blood of theſe perſons, now fleeth to the pit, (*as God hath threatned*) let no man ſtay him; *but let all ſtand admiring Gods Iuſtice upon him, and his admirable providence, and mercie in preſerving, delivering, and* * acquitting them from his *unjuſt cenſures, and that in the higheſt Court of Iuſtice, without one negative voyce. The manifeſtation of this remarkable Iuſtice, Mercy and Providence of our great God,* (* glorious in holineſſe, fearefull in prayſes, working wonders; *not onely of old, but at this preſent, even in all our Eyes,* * doing great things *for theſe Patients, for the whole Land,* whereof we rejoyce) *was the chiefe end of publiſhing this* Diſcovery,

* *Iudges 1.7.*
* *Pro. 1. 16. 18.*
* *Prov. 28. 17*
* *Pſal. 37, 5, 6.*
* *Exodus 15. 11.*
* *Pſal. 126 2, 3,*

whereby to daunt all graceleſſe Perſecutors, and cheare the ſoules of all ſincere profeſſors. If thou reape Benefit *or* Comfort *from it, let* God *enjoy thy* prayſes, *the* Compiler *hereof thy* prayers.

Farewell, and profit
by what thou readeſt.

A New Discovery of the Prelates tyranny, in their late prosecutions of Doctor *Bastwick*, Mr. *Burton*, and Master *Prynne*.

THE new *Arch-bishop of Canterbury*, with some other Prelates of the *Arminian combination*, maligning Master *Prynne*, & Master *Burton*, for some bookes they had written against the *Arminians* and D. *Cosens* his *private Devotions*; about 12. yeares since, getting the raines of Ecclesiasticall authority into their owne commands, prosecuted them severall times, and tearmes in the *High Commission*, for those their profitable, and innoxious bookes: whence being delivered by *prohibitions*, granted them out of the Kings temporall Courts at *Westminster*; these Prelates grew more * *inraged* against them, watching every opportunity, and laying hold on any occasion to worke their ruine. Master *Prynne* not long after, about *Christide* 1632, published a booke against common Enterludes, intituled, *Histrio-Mastix*, licensed for the presse by one Master *Buckner*, house-hould Chaplin to the then Arch-bishop of *Canterbury*, *Abbot*; and published with his approbation, after serious perusall thereof, both in the written, and printed

* This Archb. at the delivery of the rule for Master *Prynnes* prohibitiō was so extreamly enraged, that he and some 3. or 4. Bishops more rose and went out of their Court (then kept in the Consistory at Pauls) in a Fury, saying *they would immediatly repaire to the King, & make a bolt, or a shaft of it*; using many angry words; and threatning to lay M. *Prynne* by the heels for delivering the Rule.

printed copy. It came to passe, that some six weekes after the publication of this booke, the *Queenes Majesty* acted a part in *A pastorall* at *Somerset-house*; and there being some passages in this booke against *Women-actors*, among the ancient *Romans*, *Grecians*, and *Spaniards*, quoted out of Fathers and forraigne authors; and this reference to them in the *Table* of the booke, *Women-actors notorious whores*, relating to those *Women-actors* only whom these authors thus branded; Canterbury & the prelates by their instruments, the next day after this pastorall acted, carrying Master *Prynnes* booke to his Majesty, * shewed him some of those passages, especially that in the Table, and misinformed his *Highnesse* and the *Queene, that* Master *Prynne had purposly written this booke against the Queene, & her pastorall*; whereas it was licensed, and most of those passages printed neere two yeeres before; and the whole booke finished at the presse at least three moneths, and published six weekes before the personating of this pastorall: *But* this misinformation onely exasperating the King and Queene against Master *Prynne* for the present, and not taking effect to worke his restraint, their Majesties being truly informed by others, that this booke was written, and printed long before this pastorall was thought of; the now *Archbishop* thereupon caused Doctor *Heylin* (whom Master *Prynne* had refuted in * that booke by the by, in a point concerning Saint *George*,) to collect such passages out of the booke, and digest them into severall heads, as might draw Master *Prynne* into Question for *supposed scandals therein of the King, Queene, State and Government of the Realme*. Hereupon the Doctor drawes up such Collections, digested into seven heads, with his owne malicious Inferences upon them, not warranted by Master *Prynnes* Text, and delivers them in writing to Secretary *Cooke*, and the *Arch-bishop*. The prelate thus furnished by his minion

* Mr. *H. I.* that first presented, & shewed the booke to the King, was a few moneths after committed prisoner to the Tower for begetting one of the actors of this pastorall with child soone after it was acted, and making a reall commentary on M. *Prynnes* misapplyed text, both the Actresse, and he for this cause becomming M. *Prynnes* fellow prisoners in the Tower, A strange providence and worthy observation.

* Pag. 671 to 678.

minion, takes Mr. *Pryns* booke, and these collections, and repaireth with them, on the second Lords-Day morning in *Candlemas Tearme* 1632, to *Lincolns Inne*, to Master *Noy* then Kings Attourney generall; and keeping him on that sacred day both from the Chappell and Sacrament, (which he then purposed to receive) shewed him the said book and collections of some passages out of it which he said, *his councell informed him to be dangerous: & charged him on that duty he owed to his Master, the King, to prosecute* Master Prynne *for the same.* Master *Noy* before this, had twice read over the said booke very seriously, and protested, *that he saw nothing in it that was scandalous or censurable in Star-Chamber, or any other Court of Iudicature*; and had thereupon commanded one of the books (which Master *Prynne* delivered him) to be put into *Lincolns Inne* library for the use of the house; in so much that he was so discontented at this command of the Arch-prelate, that *he wished he had beene twenty miles out of towne that morning.* But being commanded hee must obey; and within few dayes after, Master *Prynne*, by this prelates instigation, was sent for before the Lords to the inner Star-Chamber, and by them sent prisoner, with 4. of the Kings Guard to the *Tower* of London, on *Feb.* the first 1632, with this warrant, to which this prelates hand among others, was subscribed.

After our hearty commendations; whereas there is cause to restraine William Prynne Esquire, *and to commit him to your custody, these are therefore to* will and require you to receive *into your charge the person of the said* William Prynne, *and to keepe him safe prisoner in the Tower, without giving free accesse to him, untill you shall receive further*

Order: for which this shall be your warrant. From the Star-Chamber the first of *Feb.* 1632.

Thomas Coventry.
Archbishop of Yorke.
H. Manchestour.
Dorset.
Faukland.
* *Guil. Lond. now Canter.* Laud:
Edward Nuburgh.
Iohn Cooke.
Tho. Germine.
Francis Windebanke.

* Now Canterbury.

To our loving friend, Sir William Balfore, *Knight Lieutenant of his Majesties* Tower of London.

BY force of this generall warrant, against Law, wherein no cause of commitment is specified, Master *Prynne* was kept prisoner in the *Tower*, without bayle or maineprise, notwithstanding his oft petitions for release absolute, or upon bayle, till Master *Noy*, (sending for the said *Heylins* collections,) exhibited an *Information* against him in the Star-Chamber for his said licensed booke the 21 of *Iune* following, and prosecuted it so, that not permitting Master *Prynne* to be bayled, nor yet so much as to repaire to his Counsell, with his keeper; on the 17 of *Feb.* 1633. he procured this heavy sentence against him in that Court: That Master Prynne *should be committed to prison during life, pay a fine of* 5000 *pounds to the* King, *be expelled* Lincolns Inne, *disbarred, and disabled ever to exercise the profession of a* Barrester; *degraded by the University of* Oxford, *of his degree there taken; and that done, be set in the Pillory at* Westminster, *with a paper on his head declaring the nature of his offence, and have one of his Eares there cut off, and at another time be set in the pillory in* Cheap-side, *with a paper as aforesaid; and there have his other Eare cut off; and that a fire shall be made*

made before the said pillory, and the hang-man being there ready for that purpose, shall publikely in disgracefull manner, cast all the said bookes which could be produced, (to gather up which, Messengers with speciall warrants, were sent to bookesellers into divers Counties) *into the fire to be burnt, as unfit to be seene by any hereafter*; no particular passages of the said booke, on which their unparallelled sentence was grounded, being so much as mentioned in the *Information, replication,* or decree as by Law they should, and doubtlesse would have beene, had they beene really offensive, demeriting such a Censure. But the innocency of these misconstrued and perverted passages (being for the most part the words of other approved authors,) was the cause of their concealement and not recording: and though many of the Lords never dreamed of any execution of this hard judgement, and the *Queene* (whom it most concerned) earnestly interceded to his Majesty to remit its execution; yet such was the prelates power and malice, that on the seventh, and tenth of *May* following, (even in cold blood) it was fully executed with great rigour. Whiles Master *Prynnes* wounds were yet fresh and bleeding, within three dayes after his execution, this *Arch-prelate* of *Canterbury*, to adde more waight to his affliction, against all Law and equity, when there was no suite pending against Master *Prynne* in the High Commission, & his fine in Star-chamber unestreated, granted this warrant out of the High Commission for the seisure of the books of his study, (conveyed to his Taylors house in *Holborne*) of which his spies had given him Intelligence.

VPon speciall consideration, These are to will and require you in his Majesties name, by vertue of his Highnesse Commission for causes Ecclesiasticall under the great Seale of England, to us and others directed, that forthwith upon the receite hereof, you (taking a Constable and such other assistance with you which you shall thinke meete) enter into the house of Thomas Edwards *dwelling in* Holborne, *and therein and in every severall roome or place thereof, or in any other house or place, as well in places exempt, as not exempt, and that thereupon you doe make diligent search for all Pamphlets, books and writings, either in hampers or otherwise, belonging to Master* Prynne, *and all such so found to seize and apprehend, and attach, or cause to be seized, apprehended and attached, and that thereupon you detaine them under safe custody, and bring a true Inventory of them forthwith before us or others our colleagues. His Majesties Commissioners in that behalfe appointed, that thereupon they may be disposed of according to the* * *Law, and as shall be thought meete, and agreeable to Iustice; willing and requiring in his Majesties name, by authority aforsaid, all Iustices of peace, Majors, Sherifes, Constables, Bayliffes, and all other his Majesties officers, and loving Subjects to be ayding and assisting unto you, in and about the execution hereof, as they tender his Majesties service, and will answer the contrary*

* What Law is there for you to seise, and dispose of the Books of mens studies, against whom no suites are pending before you? Or with what face can you pretend Law, when you doe directly against law?

trary at their perill. Given at London, this thirteenth day of May, 1634.

Will. Canter.

Jo. Lambe.
Na. Brent. Utro. Gwynne.
Arth. Ducke.
Ro. Aylett.

Tho. Mottershed deputatus
Geo. Paule mi. Regstrar, Regij.

To Humphry Crosse one of the sworne messengers of his Majesties Chamber, and also to William Flamsted his deputy, and to either of them.

BY vertue of this warrant one cartlode of Master *Prynnes* bookes were there seised, and carried away by *Crosse*; of which Master *Prynne* complaining, the Archbishop in the open Court in Star-Chamber denyed the granting of this warrant, though yet extant under his hand, and promised present restitution of the bookes; and yet gave under hand order for detaining them till they were extended, and sold for Master *Prynnes* fine in Star-Chamber; such faith and truth is there in Prelates words and actions. Master *Prynne* remained sundry yeares a prisoner in the Tower by force of the former censure: during his imprisonment there, the prelates brought Doctor *Bastwicke* into their High Commission Inquisition, for his *Elenchus papismi*, and *Flagellum Episcoporum Latialium*: and there, without any just ground or cause at all, passed a heavy and unjust censure upon him; by vertue whereof hee remained close *prisoner* two yeares in the *Gate-house*, the *limbus patrum* of our ghostly fathers; where he writ a latine booke stiled, *Apologeticus ad præsules Anglicanos*, dedicated to the

Lords of Councell, declaring the injustice of the proceedings and censure against him in the High Commission, which was printed, and a *letany* in English. Not long after Master *Burton* upon the fifth of *November*, 1636. preached two Sermons in his owne parish-Church in *Friday-streete* in London upon *Prov.* 24. 21. 22. *My sonne feare thou the Lord, and the King, and meddle not with those that are given to change, &c.* wherein hee laid open the Innovations in doctrine, worship and ceremonies, which had lately crept into our Church, and wished the people to beware of them, The *Archbishop* hearing of it, causeth Articles to be drawne up against him in the High Commission, and summoned him to answer them, out of tearme, before Doctor *Ducke*, at *Chelsey*; where he appearing, instead of answering, appealed to the King, which appeale was formally entred by the Register: yet notwithstanding, within 15. dayes after, they summoned him to appeare before a private Commission at *Doctors Commons*, by direction from the *Arch-bishop*, and there suspended him, *both from his office and benefice*, and granted out attachments to apprehend him: he hereupon keepes his house, prints his Sermons, with an *Apologie*, to justifie his appeale; which hee dedicated to the King, with Epistles to the Lords of the Counsell, to whom his wife presenting some of those printed Sermons, by his direction, was committed by the Lords for her paines. The High Commission pursevants not daring to breake open Master *Burtons* doores to apprehend him, the *Archbishop, and Bishop of London* made a warrant to one *Dendy* a serjeant at armes, to apprehend him, of which this is a true Coppy.

THese shall be to will and require you to make your immediate repaire to any place where you shall understand of the present being of Henry Burton *Clarke,*

Clarke, and having found him, to take him into your custody, and to bring him forthwith and in your company (all delayes and excuses set a part) before us, to answer to such matters as shall be objected against him. And you are further by vertue hereof to require and charge all Majors, Sheriffes, Iustices of peace, Bayliffs, Constables, Headboroughs, and all other his Majesties Officers and loving Subjects, to be ayding and assisting unto you, in the full and due execution of this service, whereof neither they nor you may fayle at *your perills. And this shall be unto you and them a sufficient warrant, Dated at Star-Chamber the first of Feb. 1636.*

* W. Cant. Tho. Coventrey.
Guil. London. Arundell and Surrey.
Henry. Vaine. I. Coke.

* The primate and first man in all the warrants.

To *Edward Dendy* Esquire, one of his Majesties Serjeants at Armes.

BY force of this illegall warrant (expressing no cause of Master *Burtons* apprehension as by law it ought) serjeant *Dendy* came to Master *Burtons* house in *Friday-streete*, the same evening betweene ten and eleven of the Clocke at night, accompanied with Alderman *Abel*, then Sheriffe of London, and diverse armed Officers and Pursevants, and besetting his house, * violently broke open his doores with Iron Crowes, and attached him in his house, he making no resistance: and the High Commission Pursevants entring in along with him, by warrant from the

* Which Act the Parliament hath resolved to bee against Law, and that Serjeants at Armes cannot breake open mens houses.

the High Commission under *Canterburies* hand and others, searched his study, and tooke away such bookes, and papers with them as they pleased, and Master *Burton* that night was lodged where the preachers at Pauls-Crosse were entertained, and there kept prisoner till the next day, when insteed of being brought before the Lords as this warrant required, hee was by another warrant, without any cause expressed, committed close prisoner to the *Fleet*, the Coppy whereof (to which *Canterbury's* hand is first) here followeth.

THese are to will and require you to receive into your custody the person of Henry Burton *Clerke, sent herewith unto you, and to keepe him* * *close prisoner in the* Fleet, *not suffering any one to speake with him untill further Order, whereof you may not faile at your perils, and this shall be your warrant. Dated at* White-Hall *the second of* February. 1636.

* Canterbury himselfe and Strofford, though accused and committed by the Parliament for high Treason, had far more liberty, and were not close imprisoned, as they committed others.

W. Cant. *Arundell and Surry.*
Guil. London. *Pembrooke and Mountgomery.*
T. Jermyn. Io. Coke Fra. Windebanke.

To the Warden of the Fleet or his deputy.

MAster *Burton* hereupon was shut up sundry weekes close prisoner in the *Fleet*, so as neither his wife nor friends could have free accesse unto him. In the interim, betweene his Sermon preached and his imprisonment, two bookes, the one intituled, *A Divine Tragedy*, containing a *Catalogue of Gods late Judgements upon Sabbath-*

Sabbath-breakers, the other *Newes from Ipswich*, discovering some late Innovations in Religion brought in by the Prelates, and some extravagancies of Bishop *Wren* in his late Visitation, were published in print, without any Authors name annexed to them, wherewith the Prelates were much vexed and perplexed. And consulting with themselves which way to vent the extremity of their malice upon Doctor *Bastwick*, Master *Burton*, and Master *Prynne*, they at last resolved to exhibite an information against them into the Star-Chamber in Sir *John Banks* his Majesties Atturnies name, with these two last named bookes, Doctor *Bastwicks Apology* and *Letany*, and Master *Burtons Apology* of his appeale, and two *Sermons*, thereto annexed, which was done accordingly. This information was exhibited into that Court the eleventh *day* of *March* 12. *Caroli*, in the Vacation time, against these 1638
three Gentlemen, and others, who were ordered to appeare and put in their answers to it immediately. They, served with *Sub-pœnas* returnable *immediatè*, contrary to the usuall proceedings of the Court, refused to appeare (being all three prisoners, and two of them close prisoners, before,) unlesse they might have liberty of accesse to counsell, to advise and assist them in their answers, it being the Prelates ayme to deprive them of this liberty; Of which the Lords being informed, made this ensuing order; wherein, though they granted them accesse to Councell, yet they denyed them the liberty of conferring together at Counsell, though joynt defendants (who might have joyntly answered) contrary to the rules of Law, and all former presidents. One Coppy of which order (sent indifferently to their three distinct prisons) I shall here annex.

At White-Hall the 15. of *March.* 1636.

Present.

Lo. Archbishop of Cant.	*Ea. of Salisbury.*
Lo. Keeper.	*Ea. of Holland.*
Lo Treasur.	*Lo. Cottington.*
Lo. Privy-Seale.	*Lo. Nuburgh.*
Lo. High Chamberlaine.	*Mr. Tresur.*
Ea. Marshall.	*Mr. Comptroller.*
Lo. Chamberlaine.	*Mr. V. Chamberlaine.*
Ea. of Northumberland.	*Mr. Sec. Cooke.*
Ea. of Dorset.	*M. Sec. Windebanke.*

VVHereas *information was this day given to the Boord by* Master *Atturney Generall, that he had preferred a Bill of Complaint in the Star-Chamber against* Henry Burton *Clerke, and others, and that the sayd Master* Burton *doth refuse to make answer to the said complaint, unlesse he may have liberty to goe abroad to prepare and advise with his Counsell, though his Counsell had leave to have accesse and to confer with him in the Prison: Yet to take away all allegations or pretence for excuse herein, their Lordships have thought fit, and ordered, that the said Master* Burton *shall have liberty to goe abroad with his Keeper, to speake and confer with his councell when he desireth the same, and that his sayd Keeper is to have speciall care that the sayd (Master* Burton *doe not make use of the liberty to) confer with other persons, and that he be permitted to goe to no other place,*

* God forbid he should have so much favour, being in disfavour with the Prelates.

place, but to his ſayd Councell. And that the ſayd Maſter Burton *ſhall immediately appeare to the ſayd Bill, and make anſwer within ten dayes after. And thereupon the Boord will give ſuch further Order as ſhall be fit.*

Ex. Will: Becher.

THe Priſoners upon this order having liberty to goe abroad with their Keepers, firſt repaired to the Lord Keeper, and petitioned for counſell to be aſſigned them: which granted, they repaired to their counſell at *Lincolnes* and *Grayes Inne*, where meeting together, and conferring a ſhort ſpeech (in the preſence of their keepers) with their counſell, notice thereof was immediately given to the *Archbiſhop*, whereupon their Keepers were ſharply checked, and charged not to permit them to meete or ſpeake together any more, which was ſtrictly obſerved.

Maſter *Prynne*, fearing that they ſhould not be permitted to make a full anſwer to the Information, drawes up a *Croſſe-Bill* againſt the *Archbiſhop* and others; wherein he charged them, *with uſurping upon his Majeſties prerogative royall*, with *Innovations in Religion, Licenſing of popiſh and Arminian bookes, and other* particulars: which Bil being ingroſſed and ſigned with all their three hands, Maſter *Prynne* tendred to the then Lord Keeper, with a petition, praying; *that it might be accepted under their owne hands, ſince it concerned his Majeſty and Religion ſo much, and counſell durſt not ſigne it for feare of the prelates; alleadging, in the petition, that if the charges of the Bill were true (as they were ready to make good with their lives,) then their Lordſhips, as they hoped, would thinke meete they ſhould be examined, and the prelates put to anſwer, and puniſhed for them: If falſe; that then the Biſhops to cleare their*

suspected Innocency to the World, would be willing to answer it, since their declining its answer, would imply a guiltinesse in them. The Lord keeper receiving this *Petition* and *crosse-Bill*, upon reading the contents thereof, refused to admit it, delivering it to the *Kings Atturney*, and (as I am informed) the *Archbishop* demanded the opinion of the Judges; *Whether these three complainants might not be punished as* *libellers *for exhibiting this Crosse-Bill against him*, and other Prelates: who all but one, resolved; *that they could not, because the Bill was tendred in a legall way, and might not in point of law be refused; the Kings Courts of Iustice being open indifferently to all his Subjects, to sue or be sued.* However this Bill was suppressed, by the Prelates power, and Master *Prynne* within a weeke after his appearance to the Information, by the *Archbishops* procurement, had his Chamber in the *Tower* searched by Master *Nicholas*, one of the Clerkes of the Counsell, and a * *pursevant* of the *Bishops* sent to over-looke him; part of his instructions for his answer they seised, and carried them away to the Archbishop his servant who should sollicite his businesse, was attached by a messenger and kept close prisoner in his house above ten weekes (till after the hearing) without baile or mainprise; which was utterly refused; the liberty of Pen, Inke and Paper, to draw up his answer and instruct his counsell was then also inhibited; himselfe shut up close prisoner, and all his friends debarred from him; by a verball order only. By which strange proceedings he was utterly disabled to put in his answer, which hee earnestly desired, and was denied accesse to his councell contrary to the Lords former order; This done, on the 28 of *April* Master *Pryn*, and his Co-defendants by an order of the Court, *were injoyned to put in their answers to the Information by Munday next came sennight, by the advice of their counsell, and under their hands, or else the matters*

* Yea, and have their lives taken away.

* This Pursevant was, so officious that hee searched Mr. *Prynnes* soule close-stoole, though Master *Nicholas* wished him to forbeare, where he found nothing but a fitting Nosegay to recompence his industry.

matters of the Information should be taken against them pro confesso. He (having no liberty then to goe to his councell, and they for feare of the Prelates being unwilling to repaire to him, or to medle in the cause) thereupon petitioned the Court, that (having beene a *Barrester at law*) hee might have liberty to put in his answer to this Information under his owne hand; annexing sundry reasons to the petition, why his owne answer, in this case ought to be received without the hands of his counsell. This petition (together with an *Affidavit* of the particulars therein alleged) was presented and read in open Court the fifth of *May* 13. *Caroli.* of which this is a true *Coppy*.

Master *Prynnes* first Petition to the Lords the 5. of *May* 13. *Caroli.*

To
The right Honorable the Lords of his Majesties High Court of Star-Chamber. The humble Petition of *William Pryn* close prisoner in the Tower of London.

Humbly sheweth,

THat *whereas the petitioner, on munday last, received from Master* Goad, *an order of this Honorable Court, Dated the* 28. *of* April 1637. *Whereby he is enjoyned to put in his answer to the Information against him, by munday next, under his councells hands, or else the matters therein contained shall be taken against him* Pro

confesso, That the petitioner, in regard he hath beene debarred all accesse to his councell a weekes space and more, deprived of the use of his Servant, who should sollicite his businesse for him, being detained close prisoner in a Messengers hands; debarred all accesse of friends, the use of Pen, and Inke, and disabled both in respect of the quality of his cause, the greatnesse of the persons whom it concernes; the diversity of his councells opinions, and the difficulty of procuring his councell to repaire to him to the Tower, during the Terme, to advise him, he having no meanes to reward them according to their paines; and for other reasons mentioned in his Affidavit, is utterly disabled to performe the sayd Order, to put in any answer without great prejudice both to himselfe and his cause, which much concernes both the King, his Crowne and dignity, the Religion established, and the liberties of the Subject infringed by the Prelates, and their confederates.

He humbly therefore beseecheth your Lordships, not to exact impossibilities at his hands; but in this case of necessity (according to many late presidents in this Honorable Court) to grant him liberty to put in his answer by the sayd day under his owne hand, he having beene a Barrester at law, and not under his councells, who refuse to doe it out of feare and cowardise (being more fearfull of the Prelates, then of God, the King, his Crowne, and dignity;) and also for the causes hereunto annexed, which he in all humility submits to your Lordships wisdomes and Iustice. And the petitioner for the concession hereof shall ever pray for your Lordships, &c.

The

The reasons why the petitioner (Master *Prynne*) humbly conceiveth, that this honorable Court ought in point of law and Justice, to admit his answer under his own hand, without his councells, which he cannot procure.

FIrst, becauſe there are many late preſidents in this Court, wherein divers defendants anſwers have been admitted without the hands of councell, in caſes where no councell would ſet their hands to them, as *Cloſe*, and Doctor *Laytons* caſes, with many others, and but one preſident only againſt it: which being ancient, ſingular, upon a ſpeciall reaſon, in caſe of a Woman, not of a man, much leſſe of a Lawyer, and in a farre different caſe from this defendants, ought not, as he humbly conceaveth, to overballance the preſidents for him. 1.

Secondly, becauſe upon an *Ore-tenus* and Interrogatories in this Court, in many caſes before his Majeſty and the Lords at the councell-Table, in Parliament, and in the Kings-Bench upon Indictments, and Informations [eſpecially for Felony or Treaſon] the defendants are allowed freely to make their owne anſwers and defence without counſell, if they pleaſe, and in ſome caſes are denied Counſell. 2.

Thirdly, becauſe counſell [who were not *ab initio*, but came in long after cauſes,] both in this honorable Court, and elſewhere, are allowed and aſſigned, not out of neceſſity, but favour onely, for the helpe and benefit of defendants, not to be ſo ſtrictly tied unto them, but that they 3.

they may have liberty to make answer without them in case where they and their councell differ in the substance of their answers, or where councell advise them to their prejudice, either out of feare, ignorance, or otherwise, else it would lie in councells power both to prejudice, and betray their causes, and make them lyable to censure though innocent.

4. Fourthly, because every answer in the eye of the law is the defendants only, though signed by his councell for formes sake: he onely is summoned to make answer, he onely is to sweare it, and he, not his councell, is to undergoe the hazard of it: therefore he alone in point of law and Justice is onely bound of necessity to signe it, not his Councell.

5. Fiftly, because else there would be a fayler of Justice in many Cases, through the want, feare, neglect, ignorance, diversity of opinion, or treacher of councell: for if one be peremptorily enjoyned to put in an answer by a day, as this defendant now is, and counsell neglect, refuse, delay or feare to doe it upon any occasion by the time, (which is this defendants Case) he must (without any default, contempt, or neglect in him) suffer thereby as a delinquent, though innocent, without any legall conviction; which were injury and injustice in the highest degree.

6. Sixtly, because the very law of nature teacheth every Creature, but man especially, to defend, preserve and make answer for himselfe, either when the party accused cannot procure others to doe it, or can doe it better then others will, can, or dare doe, himselfe: But in the present Case, this defendant cannot procure his councell to make such an answer as his cause requireth, which resting upon bookes, matters of Divinity, and on other points, wherein his counsell have but little skill, all which he must justify in his answer, he is better able to make

his

his answer and defence thereto, then his counsell can, will, or dare to doe, in case they were willing to undertake it (which now they utterly deny and refuse onely out of feare and cowardize,) as aforesaid, and therefore ought, as he humbly conceiveth, to be permitted to doe it, both in point of Law and Justice.

Seventhly, because God and Christ, the supream Judges of the World, and patternes of all Justice both here on Earth, have, and at the generall day of judgement, when all men shall appeare before their dreadfull tribunalls, will allow every man to make his owne personall answer, and defence, without counsel or proxie, much more then should every inferiour Judge, and Terrene Court of Justice doe it, if the party desire it, and others will not, dare not doe it. 7.

Eightly, because by the judiciall Law among the *Iewes*, every man was to make his owne defence, neither did their Law judge any man, before it heard him and knew what hee did. *Iohn* 7. 51. And by the civill Law, even among the Pagan *Romans*, it was not the manner to condemne any man, before that hee who was accused had the accusers face to face, and had Licence to answer for himselfe concerning the crime layd against him, *Acts* 25. 16. If then the Lawes amongst *Iewes*, and *Pagans*, gave every defendant leave, thus to make answer for himselfe, and never condemned any as guilty for not answering by counsell (as appeares by the cases of *Naboth*, *Susanna*, *Christ* and others, though unjustly condemned, yet not without a full hearing, and witnesses first produced, though false,) this defendant humbly conceiveth, that by the Lawes and Justice of this Christian Common-Wealth, and this honorable Court, hee ought to have like liberty in this cause of so great consequence, and that the Information against him ought not to be taken, *Pro confesso*, without hearing witnesses, or defence, in case 8.

he tender an answer under his owne hand, onely without his counsells who refuse to advise or direct him, else our Christian Lawes, and Courts of Justice, might seeme to be more unreasonable then the *Iewes*, or *Pagan Roman* Lawes and tribunalls, which God forbid any man should imagine.

9. Ninthly, because S. *Paul* when he was slandered & accused by *Ananias* the *Iewes* high-Priest, with the Elders, and *Tertullus* their Orator, to be a pestilent fellow, a mover of sedition among the *Iewes*, throughout the World, and a ring-leader amongst the Sect of the *Nazarens*, and that severall times, both before *Felix*, *Festus* and King *Agrippa*, (three heathen Governors and Magistrates,) had still free liberty granted him by them all both to answer and speake for himselfe to the full, to justifie and cleare his innocency, without any counsell assigned. *Act.* 24, & 25, 26. neither did nor could the *Iewish*, high-Priest except against it. This defendant therefore being now accused in this honorable Court of the like crimes, by some *English* Prelates and high-Priests instigation, hopes to enjoy the selfe same priviledge and freedome before so many honorable Lords, and Christian Judges, which *Paul* did before these *Pagans*. And hee supposeth his said adversaries will not be against it, unlesse they will be thought to feare, and decline the defendants answer, as guilty persons, who dare not admit their actions to be scanned in so honorable a Court; or men unwilling to have this defendant cleare his owne Innocency; or else be deemed more unreasonable then *Ananias* himselfe, especially in this defendants particular case; who having beene a Barrester, and counseller at the Law formerly admitted, even in this honorable Court, to put in answers under his owne hand in other mens cases, cannot but hope and presume to obtaine the like Justice, and favour from it now, in his owne cause, (being thereto

to necessitated through his counsels feare and deserting of him) for the premised reasons, which he in all humility submits to this honorable Court.

Upon the reading hereof in open Court, and of a like petition from Doctor *Bastwick*, to put in his answer under his owne hand, since his counsell refused to signe it; the Court ordered the same day, that they should put in their answers by munday next under counsels hand, or else be then taken *Pro confesso*; denying them liberty to answer under their owne hands.

Hereupon Doctor *Bastwick*, when no counsell would signe his answer, tendered it at the Star-Chamber office, under his owne hand, and there left it: and Master *Burton* having his answer drawne, engrossed and signed by his assigned counsell, Master *Holt*, who afterwards withdrew his hand, because his other counsell would not subscribe it, out of feare to displease the Prelates, tendered it to the Court, desiring it might be accepted, or Master *Holt*, ordered to new signe it; upon this the Court, the 10th of *May* (being the next sitting) made this Order.

In Camera Stellata coram Concilio ibidem, decimo die *Maii*, *An. Decimo* tertio Car. Reg.

WHereas by severall orders of this Court, Iohn Bastwick *Doctor in Physick*, *and* Henry Burton *clerke defendants*, *at the suite of his Majesties Attorney Generall plaintife*, were ordered *to put in their answers under counsells hand by Munday last, or in default the matters of the Information, to be taken*

against him pro confesso: forasmuch as the Court was now informed that the said Doctor Bastwick, hath not yet answered, nor will bee drawne to put in any answer under the hand of his Counsell, but hath throwne into Master Goads Chamber, the deputie Clarke of this Court, five skins and a halfe of parchment close written, with his owne hand subscribed thereunto, wherein, as is alledged, is contained much scandalous & defamatory matter: It is therefore ordered, that all the matters of the said information wherewith the said Doctor Bastwick is charged, in the same shal be taken against him Pro confesso And that his Majesties attorney Generall doe take into his custody, and consideration the said severall skins of parchment, subsigned as aforesaid, for such farther order to be therein had and taken, as to Iustice shall appertaine. And for as much as the Court was now informed, that the defendant Burton hath caused his answer to be drawne by counsell, and ingrossed, and would have put it in, if his counsell who drew the same, or any other of his counsell, would have set their hands thereunto: The Court therefore did forbeare to take him Pro confesso, and hath ordered, that his answer be received under the hand of Master Holt alone, and that after his answer put in, and interrogatories exhibited, the examiner shall repaire unto him in person, where he is to take his examination upon the said Interrogatories.

Jo. Arthur. Dep.

Doctor

DOctor *Bastwick* upon this Order, the next Court-day petitions the Court, that his answer left in the Court might be accepted under his owne hand, in default of councell; and Master *Prynne*, (much grieved that he could neither gaine liberty nor possibility to answer the *Information*, for his just defence, formerly ordered to be taken *pro confesso* against him,) the same day petitioned the Court in this manner.

To the right Honorable the temporall Lords of his Majesties high Court of Star-Chamber The humble petition of William Prynne, prisoner in the Tower.

Master *Prynnes* second petition to the Lords.

IN *all humblenesse sheweth, That the petitioner ever since his appearance to the Information exhibited against him, hath beene denyed the liberty of Pen, Inke or Paper at his Chamber, to draw up his answer, or instructions for his counsell: That his servant who should solicit his businesse, coppy and engrosse his answer, hath for a moneths space beene kept close prisoner from him in a Messengers hands, by his chiefe adversaries practise and power, contrary to Law and Justice, of purpose* to retard his answer, *and disable him in the prosecution of his cause: That his friends have beene restrayned from him, and himselfe ever since the day before the Terme, prohibited all accesse to his counsell (granted to his Codefendants) who without any neglect or default in the petitioner,*

for reasons best knowne to themselves, refuse to repaire to him, or to undertake any thing in his cause, which they have all quite deserted. By meanes whereof the Petitioner (though ever desirous to answer, and submit to the Orders of this Honorable Court) neither hath nor possibly could put in his answer under his counsells hands according to the last orders: which disabling him to draw up his owne answer, and requiring meere impossibilities of him beyond his power to effect (his counsells hands and wills being not at his command, much lesse their consciences and judgements,) hee hopeth neither shall nor ought in point of Law or equity, to be so farre obligatory and penall to him, as to make him culpable of all the charges in the Information, without any proofe on his Prosecutors part, or default and contempt on his owne. Since by such a way of proceeding (of very dangerous consequence and example scarce parallell'd in any age,) the most innocent person may be betrayed, and condemned as nocent of any crimes whatsoever falsly charged against him, without any neglect or guilt in him, through the unfaythfullnesse, wilfullnesse, feare, corruption or default of counsell, and especially in the case of powerfull and malicious opposites.

He therefore in the midst of these his exigents, and desertions of his counsell, most humbly beseecheth your Lordships, not to require impossibilities at his hands (thus bound) beyond his power to effect, but so to deale with him in this case of extremity, and necessity, as your Lordships would be dealt with your selves, were you (which God forbid) in his present condition,

and

and as you would have Christ himselfe to proceede with you at the great day of judgement, when you shall all appeare before his Tribunall to give accoumpt of all your proceedings in this and all other causes: Or if this be overmuch, then onely to grant him such common favor, and justice in this honorable Christian Court, as Christ himselfe found before Pilate, and Paul before Fælix, Festus, and Agrippa, meere heathen Iudges; or as every Traitor or Felon (though never so vile or guilty) usually claimes, and enjoyes of common right in other his Majesties Courts of Justice, to wit, free liberty to answer for himselfe, when his counsell either will not, cannot, or at least wise dare not doe it; with the use of Pen, Inke and Paper, untill friday next, to draw up an answer under his own hand, according to the truth and weightinesse of his cause, since he cannot procure his counsells; and not to prejudge him as guilty, before his answer or defence first heard, or witnesses produced. A request so just and reasonable (as he humbly conceiveth) that his adversaries themselves whether innocent or guilty, cannot in point of honour, justice and conscience, in regard of their places and professions) but willingly (condescend unto, much more then this honorable Court, especially in this waighty cause (not to be precipitated) which highly concernes his Majesties royall prerogative, the state and safety of Religion, and the weale of the whole Realme, as he hopeth to make good in his answer, and by his crosse Bill exhibited to this honorable Court against some great Prelates, and their confederates, under his owne and codefendants Bastwicks, and

Burtons

Burtons *hands for want of counsell (who refuse to appeare in this case of God and the King, against the Prelates, dreaded much more then both) which bill being for the Petitioners, and his said Codefendants necessary defence, and justification, (who are ready to make it good at their uttermost perill) and tending onely to the maintenance of his Majesties Crowne and dignity, our established Religion, and the subjects liberties, against the said Prelates late dangerous encrochments, Innovations, practises and oppressions, he now humbly prayeth may be admitted, it being (as he humbly apprehendeth) a cause of infinite consequence, and a thing of common right, which ought not to bee denyed to, or against any subject in an ordinary way of Justice.*

And your Petitioner (upon the concession of his petition) shall ever pray for your Lordships. &c.

THis petition being reade in open Court the 12. of *May*; the Court commanded Master *Holt*, one of Master *Prynnes* counsel, forthwith to repaire to him to the Tower to take instructions for his answer; and in the afternoone the Lieutenant of the Tower, was sent for by the Prelates instigation, and checked by the Lords for suffering Master *Prynne* to dictate such a petition, and one *Gardiner*, (a Clerke belonging to the Tower, who writ it from his mouth by the Lieutenants license) was for this capitall offence by a warrant from the Arch-Bishop, and others, the same evening apprehended by a Pursevant, and kept prisoner by him some 14 dayes, and not released, till he had put in bond to appeare before the Lords when ever

ever he should be called; after which he was hunted after by the Archbishops pursevants out of the high Commission: Who upon the reading of this petition, and Doctor *Bastwicks*, made a motion in Court of purpose to prejudge the cause before it came to hearing, tending highly to affront his Majesties prerogative, and thereupon procured this forejudging order, wherein his insolent motion is recited.

In Camera Stellata coram Concilio ibidem, duodecimo die *Maii*, Anno decimo tertio Caroli Regis.

This day severall petitions being read in open Court, presented on the behalfe of Iohn Bastwicke *Doctor in Physicke, and* William Prynne *Gent. defendants at the suite of his Majesties Attorney Generall; The most reverend Father in God the Lord Archbishop of* Canterbury *his* **Grace Informed the Court that in some of the Libellous Books, and Pamphlets lately published his Grace and others the reverend Bishops of the Realme are said to have* * *usurped upon his Majesties prerogative Royall, and to have proceeded in the High Commission, and other Ecclesiasticall Courts contrary to the Lawes, and Statutes of the Realme; about which he prayed the Judges might be attended, and they prayed and required by this Court to certifie their opinions therein upon*

* It should here be his injustice rather.

* The Parliament hath now resolved this for a truth, however the Court of Star-chamber or Judges determined contrary in favour of the prelates.

consideration whereof, the Court hath ordered, that the two Lords cheife Iustices now present in Court, the Lord cheife Baron, and the rest of the Iudges, and Barons shall be attended by his Majesties learned *Councell, touching the Particulars hereafter ensuing, viz.

* Why not by the defendants too, to heare what they could say.

1. Whether proces may not issue out of the Ecclesiasticall Court in the names of the Bishops?

2. Whether a patent under the great Seale be necessary for the keeping of Ecclesiasticall Courts, and inabling of citations, suspensions, and excommunications, and other censures of the Church? and whether the Citations, ought to be in the Kings name and under his Seale of armes, and the like, for Institutions, and Inductions to benefices, and corrections of Ecclesiasticall offences?

3. Whether Bishops, Arch-deacons, and other Ecclesiasticall persons may or ought to keepe any Visitation at any time, unlesse they have expresse Commission, or Patent under the great Seale of England to doe it, and that as his Majesties visitors onely, and in his name and right alone?

Jo. Arthur, Dep.

THese three questions highly concerning his Majesties prerogative, debated, and determined by the defendants against the prelates for the King, were the maine scandals and libels complained of in this new Information, and the bookes thereto annexed; to prejudge which before the hearing, without the defendants privity (never summoned to be heard what they could say

in

in these particulars, against the prelates encrochments, in defence of the Kings right and of themselves) was nothing else but the extremity of injustice, and a forestalling of the cause by a previous judgement of the Judges (then at *Canterburies* becke) before it was heard.

Upon this Order, all the Judges before the hearing returned this *Certificate* for the prelates, whom then to disobay or contradict in any thing had beene *fatall*, if not *capitall*; whereupon this following order was made, which will abundantly evidence the Archbishops insolency, treachery and injustice in the carriage of this cause, and the unpatternd compliency both of the Judges, and Court of Star-Chamber to his ambitious, unreasonable, and unjust desires.

In Camera Stellata coram Concilio ibidem quarto die *Junii*, Anno decimo tertio Caroli Regis.

THis day was read in Court, the Certificate of the two Lord chiefe Justices, the Lord chiefe Baron, and other the Iustices of the Court of Kings Bench, and Common Pleas, and Barons of the Exchequer, made according to an Order of reference to them granted the 12 *of* May, *last past, upon a motion made in the Court, wherein his Majesties Attorney Generall, is plaintife against* John Bastwick, *Doctor in Physick, and others defendants; In which respect the said Iudges have decla ed*

their opinions in point of Law, touching the severall matters to them referred by the aforesaid Order, and the same being so read in Court, his * Majesties Attorney Generall humbly prayed that the said Certificate may be * recorded in this Court, and in all other the Courts at Westminster, and in the high Commission, and other Ecclesiasticall Courts for the satisfaction of all men, that the proceeding in the High Commission, and other Ecclesiasticall Courts are agreeable to the Law and Statutes of the Realme; which the Court held reasonable, and hath ordered it shall so be; and that after the same is enrolled in this Court, and other the Courts aforesaid, the originall Certificate of the said Iudges shall be delivered to the most reverend Father in God * the Lord Archbishop of Canterbury his grace to be kept, and preserved amongst the records of his Court,

*It is a strange age when his Majesties own sworne counsell, must thus be of counsell with the prelates against the King contrary to their oath, and promote their encroachments upon his prerogative Royall.

* A strange president and motion, I think no age can shew the like.

* It is fit it should end as well as begin with him.

Which Certificate followeth in these words.

May it please your Lordships,

ACcording to your Lordships Order, made in his Majesties Court of Star-Chamber the twelfth of May last, we have taken consideration of the particulars wherein our Opinions are required by the said Order, and we have all agreed:

That Proces may issue out of the Ecclesiasticall Court in the name of the Bishops, And that a Patent under the great Seale, is not necessary for the keeping of the said Ecclesiasticall Court, or the inabling of Citations, Suspensions, Excommunications or other

censures

censures of the Church. And that it is not necessary, that Summons, Citations, or other processes Ecclesiasticall in the said Court, or Institutions or Inductions to benefices, or Corrections of Ecclesiasticall offences in those Courts, be in the * *Kings name, or with the Stile of the King, or under the Kings Seale, or that their seales of Office, have in them the Kings Armes, And that the Statute of* primo Edwardi sexti. *Ch. 2. which enacted contrary, is not now in force.*

* It seemes then they are no one of the Kings Courts, because they have neither his name nor Image.

Wee are also of opinion that the Bishops, Arch-Deacons, and other Ecclesiasticall persons may keepe their Visitations, as usually they have done, without Commission under the great Seale of England *so to doe.*

Primo die Julii 1637.

Jo. Bramston, Jo. Finch, Hum. Davenport, Wm. Jones, Jo. Denham, Richard Hutton, George Crooke, Thomas Trever, George Vernon, Robert Barkley, Richard Weston.

Jo. Arthur Dep.

DOctor *Heylin* in his Briefe and moderatn Aswer to Master *Burton* (the matter whereof contradicts the Title) written by the Archbishop of *Canterburies* speciall command p. 102. avers, that it was positively delivered by my Lords the Judges, with an unanimous consent, and so declared by my Lords chiefe Justices in the Star-Chamber the 14. of *May* now last past (before

this Certificate) that the Act of Repeal the first of Queene *Mary*, *doth still stand in force, as unto the Statute of first* Edward 6 *c.* 2. *by you so much pressed, and that the Bishops might lawfully issue out proces in their names, and under their owne seales.* Which if true, it is apparant that the Archbishop (from whom the Doctor had his information) had received all the Judges resolutions in this point, not onely before the hearing of the cause, but even before his motion in Court, that the Judges might be attended to know their resolution in these points. Is not this prety under-hand juggling, and square prelaticall proceeding, deserving extraordinary *Laud?* But to returne to the defendants, where I last left them.

Master *Prynne*, upon Master *Holts* resort to him by the Lords command, upon his last petition, to his Chamber at the Tower where he was shut up close prisoner, gave him both a fee and instructions to draw up his answer by, with all possible speed: hereupon Master *Holt* drawes an answer according to his owne minde different from his instructions, which he sent to Master *Prynne* to peruse; who disliking the generality of it, desired him to conferre with his other counsell, and to amend it in some particulars; whereupon Master *Tomlins* another of his counsell, and Master *Holt* after two meetings agreeing upon his answer, Master *Holt* gave order to his Clerks to ingrosse it, and promised to signe it the next morning, that it might be put into the Court. Master *Prynne* informed hereof payed Master *Holts* Clerks for ingrossing it, and the next morning by his keeper sent another fee to Mr. *Holt* to signe it acccording to promise; who then refusing both the fee and the signing of the answer, and being taxed for it by Master *Tomlins* (who had signed the paper Coppy) and demanded the reason by Master *Prynnes* keeper, why hee refused to signe it contrary to promise; answered, that he had received

expresse

expresse order not to signe it, and afterwards being taxed for it by master *Prynne* himselfe, who demanded the reason of this deniall; he told him, that hee durst not subscribe it for an 100 pounds though he had drawne it, for feare of being put from the Barre, he having received a command to the contrary. In the meane time Master *Tomlins* who was willing to signe it, departed into the Countrey upon his necessary occasions, so that his hand could not be gotten; Master *Prynne* thus deluded, acquaints the Lieutenant of the Tower with this false dealing, requesting him to informe the Lord Keeper of it; and to desire his Lordship in his behalfe, either to enjoyne Master *Holt* to signe his answer according to promise as hee had done in Master *Burtons* case; or to accept of it without an hand; or of it, or another answer signed with his owne hand, since he had done his utmost, and had no meanes to compell his counsell to subscribe his answer against their wills; The Lord Keeper upon this Information, answered, that hee had no power to force counsell to signe an answer, and ~~that it was~~ not his use to doe it, or to receive any answer without counsells hands.

Upon the returne of which answer, Master *Prynne* replied; that if the *Lord Keeper being cheife Iudge of the Court, the greateſt officer in the Realme under the King, and a freeman, had no power to enforce his counsell to signe his answer according to duty, equity and promise; then certainly he, being a poore close prisoner had farre lesse power to doe it; and ought not to suffer for his default, which he could not remedy.* Hereupon insteed of accepting his answer, this order was made against him, and Doctor *Bastwick* to take them both *pro confesso* for their contempt in not answering, and to appoint a day for hearing the Cause.

In

In Camera Stellata coram Concilio ibidem, 19°. die *Maii, An. Decimo* tertio Car. Reg.

VPon information this day to this honorable Court, by Sir Iohn Bankes *Knight, his Majesties attorney generall, that he hath exhibited an information into this Court against* Iohn Bastwick *Doctor of Physicke,* William Prynne *Gentleman, and others defendants, for framing, Printing and publishing severall libellous and seditious Books; and that upon the said defendants* Bastwick *and* Prynnes * *contemptuous refusall to answer the said Information, severall Orders have beene made to take them* Pro confesso: *It was humbly prayd, and accordingly thought fit and ordered by this Court, that the said cause as against them shall be heard, the first cause the first sitting of the next Terme, when the Information shall be read, and the matters thereof be taken against them,* Pro confesso.

* Note.

VVhere you see, that the sole charge against them, and the ground of their censures was a supposed *contemptuous refusall to answer*, when as the Offence, and contempt was on the contrary side, in refusing to accept of their answers tendred, and ordering Counsell not to signe their answers.

In

In the meane time, Master *Burtons* answer signed by Master *Holt*, after it had laine in Court neere three weeks, upon Master *Atturnies* suggestion to the Court, the 19 of *May*, that it was scandalous, was * referred to the consideration of the two chiefe Justices, *Bramston* and *Finch*: who calling Master *Holt* privately unto a Chamber, before them, Judge *Finch* ratled and reviled him exceedingly for putting in such an answer, which he said, was the most pernicious that ever came into the Court; telling him, that hee deserved to have his Gowne pull'd over his eares for drawing it. To whom he replied, that he had beene an ancient practiser in the Star-Chamber, and had drawne it according to his best understanding and wit; that all of it was onely a confession, or explanation of the charge in the Bill, and a recitall of Acts of Parliament; and how this could be scandalous or impertinent, it went beyond his capacity to conceive. And so without more words, these Judges resolved the answer scandalous, and ordered all the substance of it tending to Master *Burtons* justification and defence, to be expounded; as will appeare by this their certificate.

The certificate of Sr. *John Bramston* Knight, chiefe Justice of his Majesties Court of Kings Bench; and Sir *John Finch* Lord chiefe Justice of his Majestes Court of common-Plees, in the cause wherein his Majesties Attorney generall is plaintiffe, and *Henry Burton* Clerke, and others, defendants.

According to the direction of an Order of this Honorable court, Dated the Nineteenth day of

this inſtant May, *we have conſidered of the Impertinent, and ſcandalous matter in the ſaid Defendants,* Henry Burtons *anſwer, And are of opinion, that* * *all the ſaid anſwer is Scandalous or impertinent, and fit to be expounded, except theſe words in the beginning thereof, viz.* The ſaid defendant by proteſtation, not confeſſing, or acknowledging, any matter or thing alleaged againſt him, in, or by the ſaid Information to be true, and ſaving ever to himſelfe all advantage of Exception to all, & every the uncertainties and imperfections therof: *And theſe words in the end of the ſaid anſwer, viz.* This defendant to all and every ſuch ſuppoſed unlawfull Combination, Confederacies Diſloyalties, Seditious, ſcandalous and factious Libells, or other unlawfull offences examinable, or cenſurable in this Honorable Court, wherewith he is charged in, or by the ſaid Information, anſwereth and ſayth, That he is not guilty thereof, or of any part thereof in any ſuch manner and forme as is ſuppoſed thereby; All and every which matters of anſwer this defendant doth averre, and is ready to prove, as this Honorable Court ſhall award. And humbly prayeth, that all and every ſuch errors as ſhall be adjudged by this Honorable Court, to have beene by any ignorance of his in the common-Lawes, or Statutes of this Realme, or by any frailty, or infirmity of his, contrary to the loyalty of his Heart, and integrity and ſincerity of his intention, and profeſſion, may by his Majeſties

* Maſter *Holt* the ancienteſt practiſar in the Court then living, Maſter *Burtons* aſſigned counſell was very much over-ſeene, if all his anſwer but this (conſiſting of 40. ſheets of paper at leaſt) was ſcandalous and impertinent.

Majesties gracious Interpretation thereof, and by this Honorable Courts favorable advice, or mediation to his Majestie therein be remitted, and pardoned, and himselfe dismissed by the same Court. *All which nevertheless we humbly submit to the* grave judgement *of this Honorable Court.*

22 *May* 13. *Car. Regis.*

Jo. Arthur Dep.

VPon this strange Certificate of the Judges Master *Burtons* answer was miserably mangled, the whole body and substance of it being quite rased, and nought but the head and feet left upon record; whereby he was made to deny that to be done by him, which he confessed and justified upon oath in his answer, as it stood before this rasure of it.

VVhereupon the examiner comming to Master *Burton* to the *Fleet*, where he was close prisoner, to examine him upon Interrogatories grounded on his answer, he hearing of this expungement, refused to be examined, unlesse his answer might be admitted as it was put in; or he permitted to put in a new answer; he disclaiming this answer to be his, since altered in all the materiall points tending to his justification and defence, and turned from a *speciall*, to a *generall not-guilty*, necessarily involving him in the danger of periury: Of which the Court being informed by Mr. *Attorney*, made this ensuing Order, to take the Bill *pro confesso* against him, only for not answering Interrogatories; a thing never heard of before in that Court, when there was an answer admitted.

In Camera Stellata coram Concilio Ibidem, secundo die *Iulii*. Anno decimo tertio Caroli Regis.

Upon information this day, to this Honorable Court, by his Majesties Attorney Generall, that Henry Burton *Clarke defendant at his suite, being served with Proces, stood forth Proces of contempt, and would not be drawne to answer, untill severall orders were made, that the matters of the Information should be taken against them as* Pro confesso, *Unlesse hee did answer the said information by the times limitted by the said Order, and at length he did put in an answer stuffed with impertinent, scandalous matters, which upon a reference to the two Lords chiefe Justices is since expunged, and Interrogatories are exhibited into Court for examination of the said defendant, and the examiner, as appeares by his certificate now read, hath beene with him to take his examination, but he refused to be examined, so that an attachment is awarded against him, and delivered to the Warden of the* Fleete, *in whose custody he remaines, A close prisoner; It was humbly prayed that the matter of the said Information, & Interrogatories may be taken against him* Pro confesso. *Upon consideration*

sideration whereof the Court hath ordered, that the examiner doe goe againe unto him, and if hee shall not thereupon by this day seuight answer the said Interrogatories, they shall be taken against him, Pro confesso, *as is desired.*

Jo. Arthur. Dep.

AFter this Order, the examiner repaired againe to Master *Burton*, who upon his former grounds, (because hee had no answer in Court of his owne or his counsels, but onely of the Judges making, which he disclaimed for his, and because his answer to the Interrogatories would contradict the generall answer of Not-guilty, which the Judges had now made out of his speciall Not-guilty;) refused to be examined; and so though his answer were in Court as the Judges altered it, yet for not answering to Interrogatories framed on it as it stood before its expungement, the Information was taken against him *Pro confesso*, and this order made at a private seale out of Terme, to bring the cause to hearing upon one dayes warning onely given to the Defendants, when as by the course of the Court, a *Subpæna ad audiendum judicium* should have beene served on them, and 15 dayes warning at least given them before the day of hearing.

Apud Ædes Domini Custodis magni Sigilli Angliæ, de cimo tertio die *Junii*, Anno decimo tertio Caroli Regis.

IT *is this day ordered by the right Honorable the Lord Keeper, that* John Bastwick, *Doctor in Physick*, Henry Burton, *&c.* William Prynne

Gentlemen defendants at the ſuite of his Majeſtie's Atturney Generall, ſhall have liberty with their keepers to attend their councell, and to appeare at the Barre of this Court on wedneſday the 14. *of this inſtant moneth, when the cauſe is appointed to be heard.*

Jo. Arthur Dep.

THeſe priſoners having this liberty granted them juſt the day before the hearing, Maſter *Prynne* thereupon repaired with his anſwer (formerly drawne up and engroſſed by Maſter *Holt*) to Maſter *Tomlins* another of his counſell, newly returned out of the Country the evening before; and having got him to ſigne this engroſſed anſwer, he goeth therewith to Maſter *Holt*, deſiring him likewiſe to ſubſcribe it according to promiſe; who refuſed to doe it now as hee had done before, proteſting, *that he durſt not for an* 100 *peeces ſigne it, becauſe he had received an expreſſe command to the contrary.* Whereupon Maſter *Prynne* caries it ſigned with Maſter *Tomlins* hand to the Star-Chamber Office, where hee tendred it to Maſter *Goad*, together with another longer anſwar ſigned with his owne hand, and an *Affidavit*, that hee could not poſſibly procure his counſells hand to his anſwer before that time; But Maſter *Goad* adviſing with his deputy, refuſed to receave either the anſwers or *Affidavit*, though earneſtly preſſed to it by Maſter *Prynne*: who thereupon returned with his anſwers to the Tower; and prepared himſelfe for the hearing the next morning, reſolving, that ſince he was thus forejudged, and taken *pro confeſſo*, upon a meere falſe pretence of a contempt in refuſing to anſwer, to ſpeake nothing, but what the

the Court should give him occasion when he appeared at the Barre; Doctor *Bastwick*, and Master *Burton* taking up the like resolution; because they were certainly informed, that whatever they spake, their sentence was already determined, and set downe in writing before the hearing came, all being thus taken *pro confesso* as you have heard and seene by the former orders.

Thus I have given you a faithfull relation of the proceedings in this cause before the hearing, out of the *Orders* and Records of the Star-Chamber, the legality whereof you shall finde discussed in the close of this Treatise; Now before I come to the day of hearing, give me leave to acquaint you onely with one particular touching Master *Holt*, hee being sharply checked and terrified for drawing and signing Master *Burtons* answer, and charged not to signe Master *Prinnes* answer when hee had drawne it, as you have heard before, was much troubled at it; and being in Court at the hearing the next day, he offered two or three times to speake something in defence of Master *Burtons* cause; which the then Lord Keeper perceiving, beckoned and held up his finger to him to hold his peace, whereupon hee kept silence. And comming home to his house, as soone as the sentence was passed, his wife inquiring of him how the cause went; he broke out into these speeches. *O wife, I never saw a just cause, so unjustly caried, which I could have defended by Scripture against all the World. I had a great desire to speake in the cause for my client, but my Lord Keeper beckened and held up his finger to me, to hold my peace: And the poore Gentlemen have received the most unjust, and hardest censure, that ever I heard in that Court. For my owne part, I gave over my practise in other Courts, and betooke my selfe wholy to this Court to enjoy the liberty of my conscience, thinking to finde nothing but Iustice, and*

just

just proceedings there: But now alas I finde things so carried there, that for this dayes worke sake, I desire never to come more to that Barre, I desire of God, that this may be the last cause that ever I may plead in that Court, which hath partly miscarried through my default (as I am affraid most will judge) though I durst not doe otherwise, beeing so checked and threatned. This sayd, he continued sad, and soone after falling sicke for conceit only of the miscarriage of this cause (as his wife & friends beleeved) hee died; never going to the Star-Chamber after this sentence: the proceedings and passages whereof, I shall next relate.

A briefe

A BRIEFE

RELATION OF CERTAINE SPECIALL AND MOST MATERIALL PASSAGES AND Speeches in the Starre-Chamber,

occasioned and delivered the 4th of *June*, 1637. at the Censure of those three Worthy Gentlemen, Dr. *Bastwicke*, Mr. *Burton*, and Mr. *Prynne*, as it was faithfully gathered from their own mouthes by one present at the said Censure.

BETWEEN eight and nine a clocke in the morning, the 14th of *June*, the Lords being set in their places in the said Court of Starre-Chamber, and casting their eyes upon the Prisoners then at the Barre, Mr. *Prynne* humbly desired their Lordships, *before they entred upon the*

hearing of the Cause, to grant him licence to make a short motion to the Court: which being condescended to, and he entring into his motion, Sir *John Finch* (chiefe Justice of the Common Pleas) looking wistly upon Mr. *Prynne* who stood at the Barre behind him, interrupted him, and began to speake in this manner, though no Judge, but of Counsell only in the first Censure.

Sir *Iohn Finch.* *Is this Mr.* Prynne? *I had thought Mr.* Prynne *had had no Eares, they being adjudged to be cut off by the Sentence of this Court, but me thinks he hath Eares, and it is fit the Court should take order that the Decrees thereof should be better executed, and see whether Mr.* Prynne *hath Eares or no:* which caused many of the Lords to take the stricter view of him; and for their better satisfaction the Usher of the Court was commanded to turne up his haire, and shew his Eares: upon the sight whereof some of the Lords seemed to be displeased that his Eares had not formerly been cut closer off, and cast out some disgracefull words of him, and the favour shewed him in the execution.

M. Prynne. To which Mr. *Prynne* replyed, *My Lords, there is never a one of your Honours, but would be sorry to have such an Eare-marke, and to have your Eares cropt as mine are. And I pray my Lord* Finch, *give me leave to proceed in my motion, without interruption, I hope you will have eares to heare it; and then say what you please.*

L. Keeper. The Lord *Keeper*, not perfectly hearing what he spake, inquired twice, *What doth he say?* Wher-

upon

upon Mr. *Prynne* repeated his former words with a louder voyce: to which the Lord *Keeper* replyed; *In good faith my Lords, he is very sawcie.*

I hope (said Mr. *Prynne*) *your Honours will not be offended with my words: And I pray* God *to give you Eares to heare us as you ought.* *M. Prynne.*

The businesse of the day is to proceed to the Prisoners at the Barre, said the Lord *Keeper*. *L. Keeper.*

Mr. *Prynne* then humbly desired the Court againe, *to give him leave to make a short motion or two, before the reading of the Information*; which being granted he moved. *M. Prynne.*

First, that their Honours would be pleased to accept of a Crosse Bill against the Prelates, signed with their three hands, for want of Counsell: which Bill he formerly tendred to my Lord *Keeper* at his house, who refused to admit it; this Bill being their just defence in this cause, and standing with the justice of the Court, he desired might then be admitted; and so tendered it there in open Court.

As for your Crosse Bill, it is not the businesse of the day: Hereafter if the Court shall see just cause, and that it savours not of Libelling, we may accept of it: for my part I have not seen it, but have heard somwhat of it. *L. Keeper.*

I hope your Honours will not refuse it, seeing it is on his Majesties behalfe: we are his Majesties Subjects as well as the Prelates, and therefore require the Justice of the Court against them, which ought to be as open for us, as against us. *M. Prynne.*

L. Keeper. But this is not the businesse of the day.

M. Prynne. Why then, my Lords, I have a second motion, which I humbly pray your Honours to grant, it being just and reasonable, which is, That your Lordships will be pleased to dismisse the Prelates now sitting in Court, and not admit them to have any voyce in the censure of this cause, being generally known to be our adversaries, prosecuters and parties in the cause, mentioned by name in the Information; it being no wayes agreeable to the rules of equity, Law, or reason, that those who are our enemies and prosecuters, should be our Judges. Therfore we humbly crave they may depart the Court, and not sit Judges in their own cause.

L. Keeper. In good faith its a sweet Motion, is't not? You are here accused for Libelling against the reverend Bishops now in Court: And if you should thus Libell against all the Lords and Reverend Judges, as you do against the most Reverend Prelates, by this your Plea, you would have none to passe Sentence on you for your Libelling, because they are parties.

M. Prynne. Under correction, My Lord, the cases are not alike; your Lordship knows there is a wide difference betweene Libelling against this whole Court, or against one or two particular members of it. And in your Lordships own case against Mr. *Norton*, you absented your selfe from the hearing, because a party; and other of the Lords have usually done the like in cases which have particularly

ticularly concerned them: we do not desire to decline the Justice of the Court, nor except against any of your Honours, but the Prelates only which are parties.

Is this all you have to say? *L. Keeper.*

My last Motion is, that your Lordships wilbe pleased to receive my Answere to the Information, signed with one of my Counsels hands; I tendred it yesterday at the Office as soone as I could get my Counsell to signe it, where it was refused; and now I here tender it in Court, and desire it may be admitted. *M. Prynne.*

Your Answer now comes too late: Well, proceed now to the businesse of the day. Read the Information. *L. Keeper.*

Thereupon Mr. *Hooker* one of the Attornies for the King, read the Information, being very large, and having these 5 Books thereto annexed.

The first a Book of Dr. *Bastwicks* written in Latine, stiled *Apologeticus ad Præsules Anglicanos in Curia Celsæ Commissionis*, &c. The second a little Book, intituled, *News from Ipswich*. The third, named, *A Divine Tragedy, recording Gods fearfull judgements on Sabbath breakers*. The fourth, Mr. *Burtons* Book intituled, *An Apologie of an Appeale to the Kings most Excellent Majestie, with two Sermons for God and the King; preached on the fift of November*, then last past. The fift and last, Dr. *Bastwicks Letany*.

The Kings Counsell (being five) took each of them

them a severall Book, and descanted there at the Barre upon them according to their pleasure.

M. Attorny. Mr. Attorney began first with Dr. *Bastwicks* Latine Book, picking out here and there particular conclusions that best served for his own ends, (as did all the other Councell out of the other foure Books) to the great abuse of the Authors, as themselves there immediately complained, intreating them to read the foregoing grounds, upon which the said Conclusions depended, without which they could not understand the true meaning of them.

Ser. Whitfield. Next unto the Attorney, Serjeant *Whitfield* falls upon Reverend Mr. *Burtons* Booke, who vented much bitternesse against that unreproovable Book (as all that read it with an honest and orthodox heart may clearly perceive) swearing, In good faith, My Lords, there is never a page in this Book, but deserves a heavier and deeper Censure then this Court can lay upon him.

A. B. Next followed *A. B.* who in like manner descanted upon the *News from Ipswich*, charging it to be full of pernitious lyes, and especially vindicating the honour of *Mathew Wren*, Bishop of *Norwich*, as being a learned, pious and reverend Father of the Church.

M. Solicitor In the next place follows the Kings Solicitor, who acts his part upon the *Divine Tragedy*: To which part of it, concerning *Gods judgements on Sabbath breakers*, he had little to say, but onely put it off with a scoffe, saying; that they sate in

the

the seat of *God*, who judged those accidents which fell out upon persons suddainly stroken, to be the judgements of *God* for Sabbath breaking, or words to the like effect: but inlarged himselfe upon that passage, which reflected upon that late Reverend (as he termed him) and learned Professor of the Law, and his Majesties faithfull Servant Mr. *William Noy*, his Majesties late Attorney, who (as he said) was most shamefully abused by a slander layd upon him; which was, that it should be reported, that *Gods* judgement fell upon him, for so eagerly prosecuting that innocent person Mr. *Prynne* in that Court for his *Histriomastix*, which judgement was this: That he laughing at Mr. *Prynne* while he was suffering upon the Pillory, was strook with an issue of blood in his privy part, which by all the art of man could never be stopped unto the day of his death, which was not long after. But the truth of this my Lords (saith he) you shall finde to be as probable as the rest; for we have here three or foure Gentlemen of credit and ranke, to testifie upon oath, that he had that issue long before; and therupon made a shew as though he would call for them in before the Lords, to witnesse the truth thereof (with these particular words, Make roome for the Gentlemen to come in there;) but no one witnesse was seen to appeare: which was a pretty delusion, making all beleeve this report of his death to be true, and worth all your observations that read it: And so concluded (as the rest) that this Book

also

also deserved a heavy and deep Censure.

M. Harbert Lastly follows Mr. *Harbert*, whose descant was upon Dr. *Bastwicks* Letany, picking out one or two passages therein, and so drawing thence his Conclusion, that joyntly with the rest, it deserved a heavy Censure.

The Kings Counsell having all spoken what they could, the Lord *Keeper* said to the Prisoners at the Barre.

L. Keeper. You heare Gentlemen wherewith you are charged: and now, lest you should say you cannot have liberty to speak for your selves (though precondemned by rejecting their Answers without cause, and taking all *pro confesso*, as it was charged in the Information, and so all they could say boot-lesse,) the Court gives you leave to speake what you can, with these conditions.

Firſt, that you speak within the bounds of modesty.

Secondly, that your Speeches be not Libellous.

Prisoners. They all three answered, they hoped so to order their Speech, as it should be free from all immodesty and offence.

L. Keeper. Then speake a *Gods* name, and shew cause why the Court should not proceed to Censure (as taking the cause *pro confesso*) against you.

M. Prynne. My Honourable good Lords, I came here to the Barre expecting some particular charge to be layd and proved against me, but as yet I have not so much as heard of any to which I might give Answer: The Information and Kings Counsell have

have charged Dr. *Bastwicke* and Mr. *Burton* with particular Books thereto annexed, but neither of them lay any of the Books particularly to me; and so there is nothing appearing before your Lordships to expose me to your Censure, or requiring my answer.

My sole offence for which the Information must be taken *pro confesso*, against me, is a presupposed Contempt in not putting in my Answer under my Councels hand by a certaine day prefixed, for which I shall offer this just Apologie.

Such a day of the moneth, there came a Subpæna from your Honours to make my appearance in this Court, which being entred, I took forth a Copy of the Information, petitioned for Counsell, which being assigned, I then attended some of them to draw up my Answer; this was in the Lent vacation, and some of them being out of Town, the others would doe nothing till they could all meet in Terme, and peruse both the Information, and Books thereto annexed as part thereof. Being joyntly charged with Dr. *Bastwicke* and Mr. *Burton*, we were prohibited so much as to meet and conferre together even at Counsell. And a day or two before the Terme I was debarred accesse to my Counsell, and by a verball Order (I know not for what cause, nor by whose Command) suspended from pen, inke and paper, and thereby disabled to draw up my Answer, or any Instructions for my Councell; at which time my Servant who should sollicit my businesse and

Coppy my Answer, was apprehended and kept close Prisoner ever since, without admitting him to Bayle, in a Messengers hands, all my friends secluded from any accesse to me; my Chamber twice searched for writings, part of my Answer and Instructions taken away by Mr. *Nicholas*, one of the Clerks of the Councell who searched my Chamber, and so impossibilities of putting in my Answer were by these proceedings imposed on me. You tyed both my hands and feet, and then required me to give in an Answer, when you had thus disabled me to make any.

You did assigne me Councell, 'tis true, but they neglected to come to me, and I could obtaine no accesse to them, being kept close Prisoner under Locke and Key. Yet in that exigencie to shew my willingnesse to put in my Answer, I twice petitioned your Lordships in open Court for pen, inke and paper, and liberty to put in an Answer under mine own hand, by reason of my Councels neglect; which you utterly refused to grant me, though a Counceller at Law, warranted by former Presidents, and sundry reasons which I presented to your Lordships, who upon my second Petition commanded Mr. *Holt*, one of my Counsell to repair to my Chamber at the Tower to take Instructions for drawing my Answer; who coming thither to me, I gave him his fee, and such Instructions as I could for my Answer, desiring him to draw it up with all speed; which he promised to doe, and shortly after sent me it in paper,

per, somwhat different from my Instructions: whereupon I desired him to pursue his Instructions, which he refusing, desired conference with my other Counsell, who meeting twice or thrice together agreed upon my Answer, caused it to be ingrossed, and promised to signe it that it might be put in the next day. When it was ingrossed by Mr. *Holts* Clerks by his direction, and brought to me, I payd for the ingrossing; and sent it with a new fee to Mr. *Holt* to signe; who contrary to his promise utterly refused to signe it; saying, that he durst not for 500. pound, for he had received expresse order to the contrary. In the meane time my other Counsell Mr. *Tomlins* went forth of Town, and as soon as he returned, this Terme he signed it: Whereupon I carryed it to Mr. *Goad* to the Office, and there offred to put it in upon Oath: he refused to admit it, and would not receive an Affidavit of my tendring it, and of my Counsells refusall to signe it in due time. Here is my Answer under one of my * Counsells hands, and I now tender it in Court upon my Oath, the acceptance wherof your Lordships cannot deny, as my case stands, with the justice of the Court. And so he tendred his Answer.

* *M. Tomlins.*

Mr. *Prynne*, we can shew you a President, that this Court hath proceeded and taken a cause *pro confesso*, for not putting in an Answer in sixe dayes; you have had a great deale of favour shewed in affording you longer time, and therfore the Court is free from all calumny or aspersion, for

L. Keeper.

rejecting your Answer, now signed with your Councells hand, because it came too late.

M. Prynne. My Lords, I desire your Honours to permit me to put you but one case or two in Law, which will acquit me from all Default. If *A.* and *B.* submit themselves to the Arbitrement of *C.* for all Controversies between them; and *C.* awards that *A.* shall enter into a bond of an 100. pound, to *B.* with *D.* and *E.* before such a day, as his sureties; This award both in sundry of our Law Books and very often of late hath been adjudged to be altogether unreasonable, absurd and voyd in Law, because *A.* hath no meanes at all to compell *D.* and *E.* to enter into Bond with him, in case they refuse to doe it upon his bare request. My case is just the same: your Lordships assigned me Counsell, and ordered me peremptorily to put in my Answer under their hand by such a day: I used all the industry I could to procure them to doe it, they neglect, or refuse to doe it contrary to promise, I had no powet to compell them to it. When they refused, I sent to your Lordship to desire you to order them to signe it; you returned this Answer, that you had no power to enforce them: If your Lordship had no such power being the Supreme Judge of this Court; much lesse had I, being then a close Prisoner. And therfore I humbly conceive, that the Order for taking the Information *pro confesso* for not putting in my Answer under Councells hands by a day, which was not in my power, is as unreasonable, and

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as much against Law, as the case I have put.

The case you have put is good Law, but ill applyed. *L. Keeper.*

I beseech your Lordship to shew me a difference between them, for my own part I discerne none, there being the same reason in both: It wilbe a case of Dangerous consequence, if a Client shall suffer for the Laches, or wilfullnesse of his Counsell, which he cannot remedy, for by this meanes you may make the most Innocent person, (nay *Christ* himselfe, if he stood before your Tribunal) guilty of what crimes you please. For if the Prosecuter be a potent man, no Counsell dare to signe his Answer, and he himselfe may not be suffered to put in his Answer under his own hand; and then all you charge against him must be taken *pro confesso*, be he never so innocent. You assigned me two Counsellers; one of them fayled me, I could not compell him; here he is now before you, let him speake, if I have not used all my indeavours to have him signe my Answer (which my other Counsell would have done, if this would have set his hand to it with him) and to have put it in longsince. *M. Prynne.*

My Lord, there was so long time spent ere I could do any thing, after I was assigned his Counsell, that it was impossible his Answer could be drawn up in so short a time as was allotted; for after long expectation, seeing he came not to me, I by order of the Court went to him, where I found him shut up close Prisoner, so that I could not *M. Holt Counsell.*

not have accesse to him; Whereupon I motioned the Lieftenant of the Tower, to have free liberty of speech with him concerning his Answer; which being granted mee, I found him very willing and desirous to have it drawn up; whereupon I did move in this Court for longer time, which was granted; whereupon he sent me some 40. sheets of Instructions for his Answer; and soon after I received more; and then finding the Answer so long, and of such a nature, I durst not set my hand to it, for feare of giving your Honours distast.

M. Prynne. My Lords, I did nothing but according to the direction of my Counsell, my Answer was drawn up by their consent, according to their own minde, not my Instructions; it was their own act, they did approve of it: and M. *Holt* gave order to his Clerks to ingrosse it, & promised to signe it, but the next day refused. And if he be so base a Coward, to doe that in private, which he dares not acknowledge in publicke, I will not let the blame lye on my Conscience, let it rest with him. Here is my Answer, which though it be not signed with his hand, yet it is by my other Counsels, and here I tender it upon my Oath, which you cannot in Justice deny to accept.

L. Keeper. But Mr. *Prynne*, the Court desires no such long Answer; are you guilty or not guilty?

M. Prynne My good Lord, I am to answere in a defensive way, is here any one present that can witnes any thing

thing against me? If so, let him come in. The Law of *GOD* standeth thus; *That a man is not to be condemned, but under the mouth of* * *two or three witnesses.* And in the case of Libelling even against the King and Queen themselvs; the * *Laws and Statutes of the Land* require either the voluntary confession of the parties themselves, or the Oaths of two substantiall witnesses, brought face to face at the tryall, else there can be no conviction. Here you have no confession of mine at all on which to proceed. Here is no witnesse comes in against me, my Lord, neither is there in all the Information one clause that doth particularly fall on me, but onely in the generall: there is no booke layd to my charge. And shall I be condemned for a particular act, when no accusation, or proof of any particular crime is or can be brought against me? This were injustice in the highest degree. Besides, the things charged against us, are matters of Fact touching Innovations, which we cannot prove but by examination of witnesses. If then you take all *pro confesso*, and reject our Answers, you take away all means and possibilities of making any defence, and of justifying our selves as we are able to doe: and so make us guilty, though never so able to vindicate our Innocencie. I desire all here present to take notice, that here I tender my Answer to the Information upon my Oath. My Lord, you did impose impossibilities of putting in my Answer by the day assigned. I could doe no more then

* Deut. 17: 6. c. 19. 15. Mat. 18. 16.

* 1. & 2. Phil. & Mary c. 3. 23. Eliz. c. 2.

then I was able. If you condemn me for this, I hope all the world will acquit me.

L. Keeper. Well, hold your peace, your Answer comes too late.

Speake you Dr. BASTWICKE.

Dr. BASTWICKE.

Dr. BASTWVICKS ANSWERE.

My good Lords,

THat your honours have given me li- *D. Bastwick.*
bertie to speake for my selfe, I accept of it with all thankefulnesse, and I most humbly intreate this noble assembly in the executing of justice and judgement, that you would set the example of God before your eies, who when hee went to destroy *Sodome* and *Gomorrah*, as your honours may see in that parley that was betweene *Abraham* and him in the 18. of *Genesis* 17. verse, &c. hee saith there, shall I hide from *Abraham* the thing that I now doe? For I know that *Abraham* will teach his children and his houshold after him, to keepe the way of the Lord, to doe justice and judgement. And what was the way of the Lord, my good Lords: and the Lord said unto *Abraham*, because the crie of *Sodome* and *Gomorrah* is great, and their sinne is very grievous, I will now goe downe and see, whether they have done all things according to the crie that is come *Gen.* 18, 5.

upunto me, that I may know. Now my Lords, you are as Gods, ye are as the Sonnes of the most high, ye are as the Angels of the Lord in executing therefore of justice, and judgement this day, I shall most humbly intreate your honours to set this example of God before your eyes, whose place you now are in: *Come downe and see*, whether all things bee according to the crie and fame of Sir *John Bankes* the Attourney universall.

And first hee accuseth mee to the King and this honourable Court, to be a maligner of his Majesties government, and farther that I have made many bookes tending to sedition, and stirring up a heate among the people, and to raise jealousies in the breast of his Highnesse loyall subjects, for the alienating of them from their dutie and obedience: but so farre my good Lords am I from being a maligner of his Majesties government, as I have done nothing but out of conscience of my dutie to my God and my King, and for the advancement of his prerogative Royall, and had I as many lives as I have haires of my head, I would bee prodigall of them all for the honour of the same. Let the King live for ever; so that your Honours may well perceive that Master Attourney beginnes his accusation with a calumnie.

As for the bookes that are laied to my charge, and among others, the Divine tragedie and News from *Ipswich*, I neither know the authors of them, nor the place where, nor the time when they were printed, and yet they are laied to my charge,

charge, as if I had beene the compiler and maker of them.

My Lord Keeper then replying, Doctor *Bastwicke*, doe you not acknowledge the apologie *ad Præsules Anglicanos*, and the sentences reade in it to bee your owne. *Lo. Keeper.*

My Lord, I acknowledge but part of it to bee mine: for after it was out of my hands, and gone beyond the seas, some man added something of his, which I will not father, amongst the which is one of the sentences alledged against me; and I presume your honours will not condemne me for another mans act. *D. Bastwick.*

Then the Earle of Dorset replying, Doctor *Bastwick*, did not you send that book with a letter unto a Nobleman? *E. Dorset.*

My Lord I denie it not, but withall it was with a caution, distinguishing betweene mine owne writing, and that which was added, therefore I am most confident I shall not suffer for that; neither can I thinke your Honors will censure mee for that which no man can understand; for the Clarke of the Star-chamber hath so murdered my latine in the reading, as hee hath made nonsense of it; so that neither your Honours, nor the standers by know what it meaneth; and had I not made it my selfe, it would have passed my intelligence, withall my Lords, I am most certaine that manie of this honourable assemblie understand it not, and others would not vouchsafe so much as to looke on it: and therefore I am well assured that you will not without mature deliberation passe sentence a- *D. Bastwick.*

gainst any whose cause you know not, nor take it *pro confesso* against him which hath used all possible meanes for the procuring of an answere under Counsells hands, but so cowardly and base I found them as that they durst not sign it for fear of the Prelates, which forced mee to tender it formerly into the Office subscribed with my owne hand, of which proceedings there are many presidents, and I most submissively now againe present it heere in this honourable Court, desiring it may be accepted of, protesting that I have used my best indeavours for the getting of Counsells hand, but I finde all men fearefull in respect of the Prelates power and authoritie, and indeed trembling at their greateneſſe: so that I having bin wanting in nothing for the gratifying the order of this honorable Court, it cannot be taken *pro confesso*, especially I exhibiting it now present here; *quod possumus, si non quod velimus amplectamur.* Therfore I most humbly againe and againe intreate your Honours to accept of it.

L. Keeper. My Lord Keeper then standing up, said, Doctor *Bastwick*, wee have no neede of your answere.

D. Bastwick My Lord I most humbly beseech your honours to accept of it: for it is pretended that it is taken *pro confesso*, as if wee had failed on our parts, either out of contempt to the order, or negligence, both which on mypart I am free from: and if your Honours shall refuse it, then I protest before men an d angells this day, that I will put this answere of mine in Romane buffe, and send

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it through the whole Christian world, that all men may see my innocency, and your illegall proceedings, and this I will doe if I die for it; and then casting it into the Court, my Lord Keeper said, Doctor *Bastwicke*, it seemes wee must have your answere.

The Earle of *Arundell* being then in Court, in great anger admired their Honours would suffer mee to trouble that honourable assemblie, seeing the cause was taken *pro confesso*, to which I replying, answered, my Lord of *Arundell*, I wonder that a Prince and a Peere of this kingdome should offer a Poore subject so great an indignitie, as not to suffer him to speak for himselfe: for it was never yet knowne that any man was condemned before hee was heard speake for himselfe, as wee may see in *Nicodemus* his speech, who when the Jewes would have condemned Christ being absent 7. *Joh.* 51. doth our law, saith he, condemne any man before wee have heard him? Nay my Lords, heare what *Festus* said to King *Agrippa* when the Jewes sought judgement against *Paul*, it is not saith hee, the manner of the Romanes to deliver any man over to death, before the accuser and the accused have beene brought face to face, and that the accused have libertie to speak for himselfe. Thus my Lords, I have set before your eyes the example of God, the law of God, and the law of Nature; if all these may not bee a president for you to follow, I shall most humbly intreate you to consider your owne example:

for your Honours may remember the last Terme, in the suite that depended in this honourable Court between Sir *James Baggs* and my Lord *Mohun*, that after the bills and informations had bin heard on both sides, the answere on both sides, the depositions on both sides, the counsell on both sides, yet after all this, when there was nothing wanting to the full dilucidation of all the difference that was between them to all the standers by, yet after all this, some of this honourable Court rose up, and humbly desired a farther time to deliberate before they came to sentence: for in conscience, (they saied) they could not so precipitately goe to judgement. Now my Lords, if in a difference betwixt two private subjects, there was such deliberation to be used then in this a businesse that concernes not onelie the honour of God, but the honour of the King, the honour of our Religion, the honour of our Country, and indeede the honour of you all, I say, in this a businesse of so elevated a nature and so transcendent a serioſitie, I shall most earnestly intreate your Honours not so precipitately to goe to censure; I hope my Lords, there is as much conscience in those noble breasts of yours this Terme, as was in any Preists the last. My Lords, I know that some of this honourable assemblie have been sword-men, and I my selfe have beene a souldier: now if any man should challenge another into the field to fight with him, and when he had brought him into the place of duell, should by the power

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and authoritie of the magistrate take away all his weapons of defence, and leave him onelie a kisk or a bull-rush in his hand to defend himselfe, and should then fall upon him and hacke him, would not all the world conclude that hee were a most base and cowardlie fellow? in the very same manner my Lords the Prelates deale with us: they have dared us heere into the field of this honourable high Court of Star-chamber, making the Nobilitie and Peeres of the Kingdome spectators, and wee are no sooner entred into the place of combat, but the Prelates by order of the Court hath taken away all our weapons of defence, and now they fall upon us to cut off our eares: Nay my Lords it highlie concernes your Honours to take heede of leaving such presidents behind you, least you expose your selves and your posteritie to eminent danger: for you may well remember that one that was a prime and eminent Judge in this honourable assemblie, is now haled into this Court like a beare to a stake, by those our adversaries, and that it may bee the condition of any of this noble assemblie: therefore if you shall leave such a president of taking things *pro confesso* upon record, your Honours shall involve your selves, and your posteritie in inevitable danger. My Lords I understand there is a Decree gone forth (for my sentence was passed long since) to cut off my eares. What? saith my Lord Keeper, Doctor *Bastwick*, who shall know our sentence before the Court passe it? doe you give sentence against *Lo. Keeper.*

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your selfe, or are you a prophet that you speake thus? my Lord what I say, I am able to prove by a cloud of witnesses, for it came from the mouth of the Prelates owne servants, and it was divulged through towne and countrie; by them and the Priests in *August* last, that Doctor *Bastwick* should loose his eares, I shall therefore now presume onely to beseech you to give mee leave to say unto your honours, as *Paul* spake unto the Centurion, when they went about to whippe him, what saith hee, will yee whip a Romane? So my good Lords, let mee say unto your Honours, what will you cut off a true and loyall subjects eares for doing his duty to his King and Countrey? will you cut off a schollers eares? will you cut off a doctor of physicks eares, able to cure Lords, Peeres, Kings, and Emperors? will you cut off a souldiers eares, able to leade an army into the field for the honour of his King and Countrey? will you cut off a Christians eares? will you make curs of Christians, my Lords? will you cut off a Catholicke, Apostolicke, a Romanes eares? *Andres*, ἄνδρες, *Kai pateres*, men, brethren, and fathers, what an age do we live in, that we must thus be exposed unto the mercilesse furie of every malignant spirit? then my Lord Keeper replying, said Doctor *Bastwicke*, you are now angrie, you shall speake no more, and although Doctor *Bastwicke* answer'd, hee was not angry, but earnest, yet hee would not suffer him to goe on, telling him it was not the cause of the day, and so interrupting him, said hold your peace. Well Mr. *Burton*, what say you?

Act. 22. 25.

Mr.

Mr. BVRTONS ANSWERE.

My honourable Lords, said hee, I take the hint of what I shall, with your Lordships favour briefly speake in this my cause, from that one particular passage in Mr. Atturneys speech, wherein hee chargeth mee with contempt of this honourable Court, in my not answering interrogatories. This is the maine thing that toucheth mee, and the onelie cause (as is pretended) of my standing heere before this honourable Court this daie, to bee proceeded against and censured *pro confesso*. For contempt of this honourable Court? a thing my Lords, which I ever utterly abhorred, as having beene upon all occasions a teacher of all due obedience, and reverence to the higher powers, and a practizer thereof in mine owne person, for a president to others, and which my whole carriage in all this cause hitherto can witnesse. As for the occasion and cause of my refusall to answere the interrogatories, to which the pretended contempt is imputed, it is this: My answere to the information being drawne up by *Mr. Burton.*

one of my Counsel, and ingrossed, he refused to signe it, unlesse the rest of my Counsell assigned, would also signe it; but they refusing, hee also refused: whereupon a motion being made in this honourable Court, *May* 10. it was then especially ordered, that hee who drew my answere up, should signe it. This being accordingly done, I did forthwith the selfe-same daie put it into the Court, upon oath, that it was a true answere, and so it was without any exception admitted and accepted. From that daie, I daiely expected in my close prison the examiners comming with the interrogatories, with no other resolution but to answere them, according to the usuall manner. But hee not coming in fixe daies, I thereupon writ a letter to Master Atturney generall (who can heere testifie so much) wherein I earnestly intreated him to hasten the interrogatories, that so I might petition the Lords for some liberty from my close imprisonment, both in regard of the hot season, and contagion, as also that I might use all lawful means for the defence of my cause: but yet the interrogatories came not. At the last, *May* 22. my answere in Court consisting of two distinct and intire parts, an affirmative and a negative was, as touching the whole affirmative part, of what I necessarily confessed, according to the charge in the information, together with all my reasons and grounds, pertinent to the justification thereof, altogether expunged by the two Lords cheife Justices, as impertinent and scandalous

lous; as appears by their certificate under their several hands, *May* 23. and so remaines upon the file, with onely a generall not-guiltie left, which contradicteth the part expunged, touching the thing confessed. So as the examiner at length coming with interrogatories, *May* 29. and requiring my answere to them: I answered him, that I heard my answere was expunged, which he affirming to bee so, then I told him I thought my selfe no farther bound to answere to interrogatories, seeing so to answere, being reckoned as a part of my answere in court, now expunged, as impertinent, and scandalous, I should thereby assent to the expunging, and so condemne my cause before the hearing; which I durst not doe. This answere he returned (as he said) to my Lord Keeper, so as an order was thereupon made in court, *June* 2. that unlesse I did within seaven daies answere to the interrogatories, I should bee proceeded against *pro confesso*, for all the charges contained in the information. This order being brought mee by the examiner, I told him I would consider of it, the best I could in the meane time, being not permitted to goe to my counsell. Heereupon consulting with my God, and my selfe, sundrie reasons offered themselves, whereby I was perswaded, that I ought not (the case now so standing) to answere to interrogatories. Of these reasons I sent a coppie within the time limited, to the examiner, desiring him to give them into the court, and another coppie parallell, I sent to my Lord

Keeper yeſterdaie, which his Lordſhip perceived. And heere is another copie of the ſame reaſons, which I humblie tender to this honourable court, that it may bee heere publikelie read.

Heere the Lord *Keeper* refuſing to receive theſe reaſons, ſaid, hee had reade them the laſt night, but nothing in them of anie moment.

Then Mr. *Burton* deſired that the copie of his ſaid anſwere, as hee put it intire into the court, and which he then tendred to the court (not that hee renounced (as hee ſaid) his ſaid anſwere, as it was firſt put into the court, but ſtill avowed it for his anſwere) might there bee reade in open court, that the whole court might judge, whether ſuch a whole anſwere ſo expunged, were impertinent and ſcandalous. But this was likewiſe refuſed.

Lo. Finch. Then ſaid the Lord *Finch*, Mr. *Burton*, the Judges did you a good turne, to expunge your anſwere as impertinent, for it was as libellous, as your booke, ſo that your anſwere alone, deſerved a cenſure. Although (ſaid hee) all that was expunged was not impertinent, and ſcandalous, but the impertinencies were ſo mingled with the reſt, that it was neceſſarie all ſhould bee expunged.

Mr. *Burton* then tooke occaſion to declare upon what ground hee was firſt brought into this trouble, that ſo it might the better appeare, how his ſaid anſwere was not impertinent and ſcandalous, but a juſt anſwere to thoſe charges againſt him

him, in the information, in point of sedition and libelling. For (sayd he) on the fift of *November* last, I preached in my owne Church on this text, (*Proverbs* 20, 21, 22.) *My Sonne, feare thou the Lord and the King, and meddle not with them that are given to change*, &c. Whereby, as my text led mee, I tooke fit occasion, in discharge of my ministeriall dutie, and my conscience therein, to exhort my people to feare God and the King, in yeelding al due obedience to both, & to admonish them to take heed, of those innovations which were creeping, and crowding in amongst us, and to have nothing to doe with them, as the Text admonisheth. For which sermons being cited into the High-Commission Court, I conceiving, that such matters were most worthy of the cognisance of the King himselfe, appealed to his Majestie, and being notwithstanding further prosecuted in the same Court, even unto suspension, *ab officio, & beneficio*, I thought it necessarie to set forth the summe of the said two sermons, with an Apologie of an Appeale, and Epistles to his Majestie, to his honourable Nobilitie, and to the Reverend Judges, and all to the end, that due notice being taken by the King, and them, of such innovations, as were by mee noted, a just reformation might follow, for which onely end I published my booke. *Mr. Burton*

Heere my Lord *Keeper* interrupted him, saying, Mr. *Burton*, we sit not heere to meddle with matters of Religion; but doe you confesse the booke *Lo. Keeper.*

to bee yours? Are you guiltie, or not guiltie?

Mr. Burton My Lord (sayd hee) I doe not avow that for my book, which is affixed to the information, seeing I never read it, and there may be many things in it misprinted: but I acknowledge, that I wrote such a booke, so intituled.

L. Keeper. Then his Lordship asked him, what he answered to those passages in his book excepted against by the Kings Counsell, so full of sharpe language unbeseeming a Minister?

Mr. Burton To which he answered, saying, my Lord, if I might have time, and leave of this honourable Court, I should answere both to those places, and all other in the said booke, being readie to prove the truth of the things therein contained. And as for sharpnesse of language, my Lord, a Minister hath a greater latitude in reproving of sin, then ordinary men.

Heere is to be noted by the way, that they could object no such thing against Mr. *Burton* in his whole booke, as sedition, whereof the information charged him; having nothing against him, but saying onely that he was too sharpe.

Lo. Keeper. Then againe the Lord *Keeper* cut him off, turning his speech to Mr. *Prynne*. But Mr. *Burton* taking a fit opportunity, craved leav of his Lordship to speake one word, as a Minister of God: leave being given him, hee said, I pray God that this honourable Court in the judgement of this cause, doe nothing this day, whereby they may sin against God.

Heere

Heere againe, my Lord *Keeper* said, Mr. *Burton*, we sit not heere to day to heare you preach; this is a place, where your selfe should crave mercy and favour, and not stand upon such termes, as you doe. *Lo. Keeper.*

My Lord (said Mr. *Burton*) if in any thing I have through humane infirmitie offended, I crave pardon of God and man. *Mr. Burton*

Heere Mr. *Prynne* craving leave to speake, and coming to a close, Mr. *Burton* desired but one word more: leave being given, hee said, my Lords, I perceive how I am brought into a great streight, either to desert my cause, and my conscience, or to expose my person to the censure of this honourable Court; and seeing the necessitie of one of these two, I have, and doe, without any further deliberation, resolve, rather to expose my person to the censure of this honourable Court, then to desert my cause and my conscience.

Heere Mr. *Burton* ending his speech, a great humme was made in the roome, by many of the hearers, as an expression of their joy, being much affected with this his Christian resolution.

Then the Prisoners desiring to speake a little more for themselves, were commanded to silence. And so the Lords proceeded to Censure. *Prisoners.*

The Lord Cottingtons Censure.

I Condemne these three men to loose their eares in the Pallace-yard at Westminster; To be fined five thousand pounds a man to his Majesty: And to perpetuall imprisonment, in three remote places of the Kingdom, namely, the Castles of Carnarvan, Cornwall, and Lancaster.

The Lord Finch added to the Censure.

MR. Prynne to be stigmatized in the Cheekes, with two Letters (S & L) for a Seditious Libeller. To Which, all the Lords agreed. And so the Lord Keeper concluded the Censure.

THE MANNER OF THE EXECVTION of the Lords Censure.

ON the 30th day of June 1637. followed the Execution of the Lords Censure in Starre-Chamber upon Dr. *Bastwicke*, Mr. *Prynne*, and Mr. *Burton*, in the Pallace-yard at *Westminster*, at the spectation whereof the number of people was so great, (the place being very large) that it caused admiration in all that beheld them; who came with tender affections to behold those Three renowned Souldiers and Servants of *Jesus Christ*, who came with most undaunted and magnanimous courage thereunto, having their way strawed with sweet hearbs from the House out of which they came to the Pillory, with all the honour that could be done unto them.

Dr. *Bastwicke* and Mr. *Burton* first meeting, they did close one in the others armes three times, with as much expressions of love as might be, rejoycing

joycing that they met at such a place, upon such an occasion, and that *God* had so highly honoured them, as to call them forth to suffer for his glorious Truth.

Then immediately after Mr. *Prynne* came, the Dr. and he saluted each other, as Mr. *Burton* and he did before. The Dr. then went up first on the Scaffold, and his Wife immediately following came up to him, and like a loving Spouse saluted each Eare with a kisse, and then his mouth; whose tender love, boldnes, and chearfullnes so wrought upon the peoples affections, that they gave a marveilous great shout, for joy to behold it. Her Husband desired her not to be in the least manner dismay'd at his suffrings: And so for a while they parted, she using these words: *Farewell my Dearest, be of good comfort, I am nothing dismay'd.* And then the Dr. began to speake these words.

Dr. *Bastwi.* There are many that are this day Spectators of our standing here, as Delinquents, though not Delinquents, we blesse God for it. I am not conscious to my selfe wherein I have committed the least trespasse (to take this outward shame) either against my *God*, or my King. And I doe the rather speak it, that you that are now beholders, may take notice, how farre Innocencie will preserve you in such a day as this is; for we come here in the strength of our *God*, who hath mightily supported us, and filled our hearts with greater comfort then our shame or contempt can be.

The first occasion of my trouble was by the Prelates,

Prelates, for writing a Book against the Pope, and the Pope of *Canterbury* sayd I wrote against him, and therfore questioned me: But if the Presses were as open to us, as formerly have been, we would shatter his Kingdome about his eares: But be ye not deterred by their power, neither be affrighted at our sufferings; Let none determine to turne from the wayes of the *Lord*, but goe on, fight couragiously against *Gog* and *Magog*. I know there be many here who have set many dayes apart for our behalfe, (let the Prelates take notice of it) and they have sent up strong prayers to heaven for us, we feele the strength and benefit of them at this time; I would have you to take notice of it; we have felt the strength and benefit of your prayers all along this Cause. In a word, so farre I am from base feare, or caring for any thing they can doe, or cast upon me, that had I as much blood as would swell the Thames; I would shed it every droppe in this cause. Therfore be not any of you discouraged, be not daunted at their power, ever labouring to preserve innocencie, and keep peace within, goe on in the strength of your *God*, and he will never fayle you, in such a day as this; As *I* said before, so *I* say againe; Had *I* as many lives as *I* have haires on my head, or drops of blood in my veynes, I would give them up all for this Cause. This plot of sending us to those remote places, was first consulted and agitated by the Jesuites, as *I* can make it plainly appeare. O see what times we are fallen

into, that the Lords must sit to act the Jesuites plots! For our own parts, we owe no malice to the persons of any of the Prelates, but would lay our necks under their feet to doe them good as they are men; but against the usurpation of their power, as they are Bishops, we doe professe our selves enemies till dooms day.

Mr. *Prynne* shaking the Dr. by the hand, desired him that he might speake a word or two. With all my heart, said the Dr.

M. Prynne. Who it is (said Mr. *Prynne*) that hath been the cause of bringing us all to this Execution, I need not nominate, it being so well known to most here present.

The only cause of my standing here, is for not putting in my Answer under Counsels hand, for which the Information was taken *pro confesso* against me. What endeavours I used for the bringing in thereof, *God*, my owne Conscience, yea and my Counsell know, whose cowardise stands upon Record to all ages. For my own part rather then I will have my case a leading case, to deprive the Subjects of their Liberty which I seek to maintaine, I will joyfully expose my person to be a leading example, to beare this punishment. I beseech you all to take notice of their proceeding against me in this cause. When I was served with a Subpæna into the Court, I was shortly after my appearance shut up close prisoner, that I could have no accesse to Counsell, nor admitted pen, inke, or paper to draw up my Answer,

swer, nor Instructions for my Counsell: My Servant which should sollicit my businesse was detained close prisoner in a Messengers hands without bayle or mainprise; My Chamber searched: part of my Answer formerly drawn seised on by a Clerke of the Counsell; Liberty to put in an Answer under my own hand according to former presidents, denyed me, though a Counsellor at Law; when my assigned Counsell upon my earnest Petitions was sent to the Tower, I feed him to draw up my Answer, which he did after his own minde, not my Instructions, promised to signe it, gave order to his Clerks to ingrosse it, which they did, for which I payd them; and when this was drawn, he refused utterly to signe it; having received an expresse command from some great ones (as he told both me and my Keeper) not to signe it, being threatned to be put from the Barre if he did it. After this, I got Mr. *Tomlins* another of my Counsell to signe it, and then tendred it with another Answer signed with my own hand, both at the Office, and in the open Court at the hearing; which refused to admit thereof: and yet condemned me for a Contempt in refusing to answer, when I tendred two Answers, and they without just cause rejected both. I appeale to all the world, if this were a legall or just proceeding. Our accusation is in point of Libell (but supposedly) against the Prelates. To cleare this now, I will give you a little light, what the Law is in point of Libell (of which profession I have somtimes

times been, and still professe my self to have some knowledge in.) You shall finde in case of Libell, two Statutes: The one in the 1. and 2. of Queen *Mary* c. 3. which Enacts, *That if any shall maliciously of his own Imagination speake or vent any false, seditious and slanderous News, rumours, Sayings or Tales of the King or Queen, &c. that every person so offending being thereof lawfully convicted by verdict, his own voluntary confession, or the Oathes of 2. sufficient witnesses brought face to face at the tryall, shalbe set openly upon the Pillory in some market place within the Shire, City or Towne where the words were spoken, and there to have both his Eares cut off, unlesse he pay one hundred pounds to the King and Queens highnes use within one moneth, next after judgement given of his said offence, also shall suffer imprisonment by the space of three moneths next after such his execution.* The other Statute is that of 23. *Eliz. c.* 2. which goeth somwhat further then the former, and enacts, *That if any person should advisedly and with a malitious intent speake or vent any false, seditious and slanderous News, rumours, Sayings, or Tales against the Queens Majesty, that was, & should be therof lawfully convicted in manner aforesaid, then he should be openly set upon the Pillory and there to have both his Eares cut off, or at the election of the offendor to pay two hundred pound to the Queens use in the receipt of the Eschequer, within two moneths next after the Judgement given; and shall also suffer six moneths imprisonment after such his conviction without bayle or mainprise.* Now consider the great disparity between those times of Queen *Mary*,

and

and Queen *Elizabeth*, and ours now. In Queen *Maries* bloody dayes, a malitious and seditious reporter of false News and Libeller against the King and Queen themselves was only to be set on the Pillory, imprisoned but for 3 moneths, and that at large in ordinary Prisons, and had power to redeem the losse of both his Eares by paying but an hundred pound to the Queens use within one moneth next after the Judgement given: In Queen *Elizabeths* reigne, such a Delinquent was to suffer but 6 moneths Imprisonment, and had power at his free election to redeem the losse of his Eares by paying two hundred pound to the Queens use, within two moneths next after the judgement; And this only in the case of the King and Queen. But now the world is strangely altered. Formerly there was no such Fine for such Libellous News and Speeches against the King and Queen: Now we are Fined no lesse then five thousand pound a piece, for a meere supposed Libell against a Prelate or two: Formerly, there was only 3 or 6 moneths Imprisonment, yet the most prescribed, and that at large in ordinary Prisons belonging to the Kings Courts. Now we are to undergoe perpetuall close Imprisonment, and that in the remotest Castles farre distant from all our Friends, whither none were ever sent by this Court before: and none of our Friends must be permitted to see us. Then had the Delinquents power at their own Election to redeem the losse of both their Eares by the payment of 100, or

200

200 pound at most within one moneth or two after their Censure, and if they lost them, payd no Fine at all; We must lose both our Eares absolutely, without any power of Redemption, and yet pay a Fine of 5000 pound a piece to boot. Then there was no stigmatizing at all: Now must I be visibly branded on both Cheeks. In those dayes none could be committed but by verdict, voluntary confession, or the Oathes of two sufficient Witnesses: We were condemned, and the Information taken *pro confesso* without either verdict, confession, or so much as one Witnesse produced against us. See now into what times we are fallen, when as Libelling (if it were so) against Prelates only is ten times more severely censured, and deemed a farre greater Offence then Libelling against King or Queene in these late Princes dayes.

That which I have to speake of next, is this: The Prelates finde themselves exceedingly vexed and agrieved with us that we affirme their Episcopall Jurisdiction and Superintendency over other Ministers not to be *Jure divino*. I make no doubt, but there are some of the Bishops Intelligencers or Abettors within the hearing, whom I would have well to know and take notice of what I now say. I here in this place make this offer to them, That if I may be admitted a fayre Dispute, on fayre termes, I will maintaine, and doe here make the challenge against all the Prelates in the Kings Dominions, and against all the

the Prelates in Christendome, (let them take in the Pope, and all his Cardinals to helpe them) that I will make it good against them all; that *their Prelaticall Lordly Jurisdiction over Presbyters, and their present Calling is not Jure Divino.* I will speake it againe, I make the challenge against all the Prelates in the Kings Dominions, and in all Christendome to maintaine, that *the Bishops Jurisdiction and Calling, as now they claime and exercise it, is not Jure Divino.* If I make it not good, let me be hanged up at the Hall-Gate: whereupon the people gave a great shout.

The next thing that I am to speake of, is this: The Prelates find themselves exceedingly agrieved and vext against what I have affrmed in point of Law, concerning their Writs and Proces, That the sending forth of Writs and Proces in their own name, and under their own Seales is * against Law, and doth entrench on his Majesties Prerogative Royall, and the Subjects Liberties. And here now I make a second Challenge against all the Lawyers in the Kingdome in a fayre Dispute, That I will maintaine the Prelates sending forth of Writs and Proces in their own names, and under their own Seales, to be against Law, and to entrench on his Majesties Prerogative Royall, and the Subjects Liberty; least it should be forgotten, I speake it againe, I here challenge all the whole Society of the Law upon a faire Dispute to maintaine, That the sending forth of Writs and Proces in the Prelates own names, and under

* See this fully proved in the Breviate; and in the History of the council of *Trent*, p. 330. to 335.

their own Seales, to be againſt Law, and to entrench on the Kings Prerogative Royall, and the Subjects Liberty. If I be not able to make it good, let me be put to the tormentingeſt death they can deviſe.

We praiſe the *Lord*, we feare none but *God* and the King: Had we reſpected our Liberties, we had not ſtood here at this time: it was for the generall good and Liberties of you all that we have now thus farre ingaged our owne Liberties in this Cauſe. For did you know, how deeply they have entrenched on your Liberties in point of Law, and upon our eſtabliſhed Religion in point of Popery; If you knew but into what times you are caſt, it would make you look about you: And if you did but ſee what changes and revolutions of Laws, Religions, and Ceremonies have been made of late by one man, you would more narrowly looke into your Priviledges, and ſee how farre your Liberty did lawfully extend, and ſo maintaine it.

This is the ſecond time that I have beene brought to ſuffer in this place, who hath been the Author of it, I thinke you all well know: For the firſt time, if leave had been given me, to make my owne defence, I could eaſily have cleared my ſelf of that which was then layd to my charge: As alſo I could have done now, if I might have been permitted to ſpeake or anſwer. That Book for which I ſuffered formerly (onely for ſome particular words and paſſages therein, which I quoted out of

Gods

Gods Word and ancient Fathers, for which notwithstanding, they passed Censure on me,) That same Book was twice licensed by publicke Authoritie, and the same words I then suffered for, they are since againe made use of, and applyed in the same sence by *Heylin* in his Book, called *The History of the Sabbath*: part 2. p. 207. lately Printed, dedicated to the King, and no exceptions taken against them, but are very well accepted of, though he was the chiefe underhand prosecuter against me, and drew up the Instructions which the Kings Counsell insisted on at the hearing. *Haud equidem invideo, miror magis.*

Aye (said Dr. *Bastwicke*) and there is another Book of his licensed, wherein he rayles against us Three at his pleasure; and against all the Martyrs that suffered in Queen *Maries* dayes, calling them Schismaticall Hereticks. And there is another Book of *Pocklingtons* licensed; they be as full of lyes, as dogges be full of fleas; but were the Presses as open to us, as they are to them, we would pay them and their great Master that upholds them, and charge them with notorious Blasphemie. Dr. *Bast.*

Sayd Mr. *Prynne*, You all at this present see, there be no degrees, or professions of men exempted from suffering under the Prelates malice. Here is a Reverend Divine for the Soule, a Physitian for the Body, and a Lawyer for the Estate: I had thought they would have let alone those of their own Rochet, and not have medled with any of their own Sacred Order. And yet the next *M. Prynne,*

(for ought I know) that is to follow us and receive a Censure in Starre-chamber, is like to be a Bishop. You see they spare none of what society or calling soever, none are exempted that crosse their owne ends. Gentlemen, look to your selves; you know not whose turne may be next: If all the Martyrs that suffered in Queen *Maries* dayes, are accounted and called Schismaticall Hereticks, Factious Fellows; Traytors and Rebels, condemned by Holy Church: What shall we look for? Yet so they are styled in a Book written by Dr. *Pocklington*, licensed for the Presse by the Archbishops own Chaplaine, and intituled *Altare Christianum*, pag 92. And such Factious Fellows, Hereticks, and Rebels are we accounted, for discovering a plot of Popery. Alas poore *England!* what will become of thee and thy Religion, if thou look not the sooner into thy own perplexed condition, and maintaineſt not thine own established Faith and lawfull Liberties! Christian people, I beseech you all, stand firme, and be zealous for the cause of *God*, and his true Religion, to the shedding of your deareſt blood, otherwise you will bring your selves, and your Posterities, into perpetuall bondage and slavery, to these Romish Innovators, and Tyrannizing Prelates.

The Archprelate of *Canterbury* being informed by some of his Spies what Mr. *Prynne* spake, as he was sitting in the Starre-chamber, moved the Lords, that Mr. *Prynne* might be gagged, and have some

ſome further Cenſure layd, and preſently executed upon him: ſuch was his Arch-grace, and ſuperaboundant pitty.

To which the Lord Keeper anſwered, That his Grace ſhould doe well not to take notice of what men ſpake when they were in paine on the Pillorie, their very ſtanding on it being ſufficient to diſcredit all they uttered: and ſo it reſted.

Mr.

Mr. Burtons heavenly and comfortable Speech, which he made at the time of his suffering, both before, and while he stood in the Pillory, which was set something distant from the other double Pillory, wherein Dr. *Bastwicke* and Mr. *Prynne* stood.

THE night before his suffering, about eight a clocke, when he first had certaine notice thereof, upon occasion of his Wives going to aske the Warden, whether her Husband should suffer the next day, immediately he felt his spirits to be raysed to a farre higher pitch of resolution and courage to undergoe his sufferings, then formerly he did, so as he intreated the *Lord* to hold up his Spirits at that height all the next day in his sufferings, that he might not flagge nor faint, least any dishonour might come to his Majestie, or the cause: And the *Lord* heard him: For all the next day in his suffering (both before and after) his spirits were carried aloft as it were upon Eagles wings (as himselfe sayd) farre above all apprehension of shame or paine.

The next morning (being the day of his sufferings) he was brought to *Westminster*, and with much

much cheerefullnes being brought into the Pallace-yard unto a Chamber that looked into the Yard, where he viewed three Pillories there set up: Me thinks (sayd he) I see *Mount Calvary*, where the three Crosses, (one for *Christ*, and the other two for the two theeves) were pitched: And if *Christ* were numbred among theeves, shall a Christian (for *Christs* cause) thinke much to be numbred among Rogues, such as we are condemned to be? Surely if I be a Rogue, I am *Christs* Rogue, and no mans. And a little after, looking out at the Casement towards the Pillory, he said: I see no difference between looking out of this square window and yonder round hole, (poynting towards the Pillory) he said: It is no matter of difference to an honest man. And a little after that, looking somwhat wistly upon his Wife, to see how she did take it; she seemed to him to be something sadde; to whom he thus spake: Wife, why art thou so sad? To whom she made answer; Sweet heart, I am not sad: No sayd he? See thou be not, for I would not have thee to dishonour the day, or to darken the glory of it, by shedding one teare, or fetching one sigh: for behold there for thy comfort my triumphant Chariot, on the which I must ride for the honour of my Lord and Master: And never was my Wedding day so welcome, and joyfull a day, as this day is; and so much the more, because I have such a noble Captaine and Leader, who hath gone before me with such undaunted nesse of spirit, that he saith of himselfe,

I gave

I gave my backe to the ſmiters, my cheeks to the nippers, they pluckt off the haire, I hid not my face, from ſhame and ſpitting; for the Lord God will helpe me: therfore ſhall I not be confounded; therfore have I ſet my face like a flint, and I know I ſhall not be aſhamed.

At length being carryed toward the Pillory, he met Dr. *Baſtwicke* at the foot of the Pillory, where they lovingly ſaluted and embraced each other; and parting a little from him, he returned, (ſuch was the ardencie of his affection) and moſt affectionately embraced him the ſecond time, being heartily ſorry he miſſed Mr. *Prynne*, who was not yet come before he was gone up to his Pillory, which ſtood alone next the Star-Chamber, and about halfe a ſtones caſt from the other double Pillory, wherein the other two ſtood: ſo as all their faces looked Southward, the bright Sunne all the while for the ſpace of two houres ſhining upon them; Being ready to be put into the Pillory, ſtanding upon the Scaffold, he ſpied Mr. *Prynne* new come to the Pillory, and Dr. *Baſtwicke* in the Pillory, who then haſted off his Band, and called for a Handkerchiefe, ſaying What, ſhall I be laſt? or ſhall I be aſhamed of a Pillory for *Chriſt*, who was not aſhamed of a Croſſe for me? Then being put into the Pillory, he ſaid: Good people, I am brought hither to be
1 Cor. 4 9. * *a ſpectacle to the world*, to Angels, and to men; And howſoever I ſtand here to undergoe the puniſhment of a Rogue, yet except to be a faithfull Servant to *Chriſt*, and a loyall Subject to the King,

be

be the property of a Rogue, I am no Rogue. But yet if to be *Christs* faithfull Servant, and the Kings loyall Subject, deserve the punishment of a Rogue, I glory in it, and I blesse my *God*, my conscience is cleare, and is not stained with the guilt of any such crime, as I have been charged with, though otherwise I confesse my selfe to be a man subject to many frailties and humane infirmities. Indeed that Book intituled, *An Apologie of an Appeale*, with sundry *Epistles*, and *two Sermons*, *for God and the King*, charged against me in the Information, I have and doe acknowledge (the misprinting excepted) to be mine, and will by *Gods* grace never disclayme it whilst I have breath within mee. After a while, he having a Nosegay in his hand, a Bee came and pitched on the Nosegay, and began to sucke the Flowers very savourly, which he beholding and well observing, sayd, Doe ye not see this poore Bee? She hath found out this very place to suck sweetnesse from these Flowers; And cannot I suck sweetnesse in this very place from *Christ*? The Bee sucking all this while, and so took her flight. By and by he took occasion from the shining of the Sunne, to say, You see how the Sunne shines upon us, but that shines as well upon *the evill as the good*, *upon the just and unjust*, but the *Sunne of righteousnesse* (*Jesus Christ* who *hath healing under his wings*) shines upon the soules and consciences of every true beleever onely, and no cloud can hide him from us, to make him ashamed of us, no not of our most shamefull sufferings for Mal. 4. 2.

his sake: And why should we be ashamed to suffer for his sake, who hath suffered for us? All our sufferings be but sleabitings to that he endured,
Heb. 12. 2. *He endured the Crosse, and despised the shame, and is set on the right hand of God:* He is a most excellent patterne for us to look upon, that treading in his steppes, and suffering with him, we may be glorified with him. And what can we suffer, wherein he hath not gone before us, even in the same kind? Was he not degraded, when they scornfully put on him a purple Robe, a Reed into his hand, a thorny Crown upon his head, saluting him with, *Hayle King of the Jews*, and so disrobed him again? Was not he deprived, when they *smote the Shepheard, and the Sheep were scattered*? Was not violence offered to his sacred person, when he was buffited, and scourged, his hands and his feet pierced, his head pricked with thornes, his side goared with a Speare, &c.? Was not the Crosse more shamefull, yea and more painfull, then a Pillory? Was not he stript of all he had, when he was left starke naked upon the Crosse, the Souldiers dividing his garments, and casting lots upon his vesture? And was he not confin'd to perpetuall plose Imprisonment in mans imagination, when his body was layd in a Tombe, and the Tombe sealed, with a strong guard about it, least he should breake prison, or his Disciples steale him away? And yet did he not rise againe, and thereby brought deliverance and victory to us all, so as we *are more then Conquerors through him*

that

that loved us? Here then we have an excellent patterne indeed. And all this he uttered (and whatsoever elſe he ſpake) with marvailous alacrity.

One ſayd unto Mr. *Burton*, *Chriſt* will not be aſhamed of you at the laſt day. He replyed, He *knew whom he had beleeved, and that Chriſt was able to keep that he had committed to him againſt that day.* One asked him how he did? He ſaid never better, I bleſſe *God*, who hath accounted me worthy thus to ſuffer. The Keeper keeping off the people from preſſing neere the Pillory; he ſayd, Let them come and ſpare not, that they may learne to ſuffer. This ſame Keeper, being weary, and ſitting him down, asked Mr. *Burton*, if he were well, and bad him be of good comfort. To whom he replyed, Are you well? If you be well, I am much more, and full of comfort, I beſſe *God*. Some asked him, if the Pillory were not uneaſie for his neck and ſhoulders. He anſwered: How can *Chriſts* yoake be uneaſie? This is *Chriſts* yoake, and he beares the heavier end of it, and I the lighter; and if mine were too heavie, he would beare that too. O good people, *Chriſt* is a good and ſweet Maſter, and worth the ſuffering for! And if the world did but know his goodneſſe, and had taſted of his ſweetneſſe, all would come in and be his Servants; and did they but know what a bleſſed thing it were to beare his yoak, O who would not beare it? The Keeper going about to eaſe the Pillory by putting a ſtone or a bricke bat between, Mr. *Burton* ſaid, Trouble not your ſelfe, I am at very good eaſe, and feele

good, and my Conſcience ſound, I could not enjoy ſo much unſpeakable comfort in this my ſuffering as I doe, I bleſſe my *God*.

Miſtris *Burton* ſends commendation to him by a Friend: He returned the like to her, ſaying, Commend my love to my Wife, and tell her, I am heartily cheerfull, and bid her remember what I ſayd to her in the morning, namely, That ſhe ſhould not blemiſh the glory of this day with one teare, or ſo much as one ſigh. She returned anſwer, that ſhe was glad to heare him ſo cheerfull; and that ſhe was more cheerfull of this day, then of her wedding day. This Anſwer exceedingly rejoyced his heart, who thereupon bleſſed *God* for her, and ſayd of her, She is but a young Souldier of *Chriſts*, but ſhe hath already endured many a ſharpe brunt, but the *Lord* will ſtrengthen her unto the end: And he having on a payre of new Gloves, ſhewed them to his Friends there about him, ſaying, My Wife yeſterday of her own accord brought me theſe Wedding Gloves, for this is my Wedding day.

Many Friends ſpake comfortably to Mr. *Burton*, and he againe ſpake as comfortably to them, ſaying, I bleſſe my *God*, that hath called me forth to ſuffer this day. One ſayd to him, Sir, by this Sermon (your ſuffering) *God* may convert many unto him. He anſwered, *God* is able to doe it indeed. And then he called againe to Dr. *Baſtwicke* and Mr. *Prynne*, asking the m how they did. Who anſwered as before. Some ſpeaking to him concerning

cerning that ſuffering of ſhedding his blood: He anſwered, What is my blood to *Chriſts* blood? *Chriſts* blood is a purging blood, but mine is corrupted and polluted with ſinne. One Friend asking another ſtanding neere Mr. *Burton*, if there ſhould be any thing more done unto him; Mr. *Burton* over-hearing him, anſwered; Why ſhould there not be more done? For what *God* will have done, muſt be accompliſhed. One deſiring Mr. *Burton* to be of good cheere: He thus replyed: If you knew my cheere, you would be glad to be partaker with me; for I am not alone, neither hath *God* left me alone in all my ſufferings and cloſe Impriſonment ſince firſt I was apprehended. The Halbertmen ſtanding round about, one of them had an old ruſty Halbert, the Iron whereof was tacked to the ſtaffe with an old crooked nayle; which one obſerving, and ſaying, What an old ruſty Halbert is that? Mr. *Burton* ſayd, This ſeems to me to be one of thoſe Halberts, which accompanied *Judas* when he went to betray and apprehend his Maſter. The people obſerving Mr. *Burtons* cheerefullneſſe and courage in ſuffering, rejoyced, and bleſſed *God* for the ſame. Mr. *Burton* ſayd againe, I am perſwaded that *Chriſt* my Advocate, is now pleading my Cauſe at the Fathers right hand, and will judge my Cauſe, (though none be found here to plead it) and will bring forth my righteouſnes as the light at noone day, and cleare my innocency in due time. A Friend asking Mr. *Burton*, if he would have been without this parti-

cular

cular ſuffering. To whom he ſaid, No not for a world. Moreover he ſayd, that his Conſcience in the diſcharge of his Miniſteriall duty and function, in admoniſhing his people to beware of the creeping in of Popery and Superſtition, exhorting them to ſtick cloſe unto *God* and the King in duties of obedience, was that which firſt occaſioned his ſufferings; and ſayd, as for this truth I have preached, I am ready to ſeale it with my blood, for this is my Crown both here and hereafter. I am jealous of *Gods* honour, and the *Lord* keep us that we may doe nothing that may diſhonour him, either in doing or ſuffering; *God* can bring light out of darkneſſe, and glory out of ſhame: And what ſhall I ſay more? I am like a Bottle which is ſo full of liquor, that it cannot runne out freely; So I am ſo full of joy, that I am not able to expreſſe it.

In concluſion, ſome told him of the approach of the Executioner, and prayed *God* to ſtrengthen him. He ſayd, I truſt he will, why ſhould I feare to follow my Maſter *Chriſt*, who ſayd, *I gave my back to the ſmiters, and my cheeks to the nippers, that plucked off my haire, I hid not my face from ſhame and ſpitting, for the Lord God will help me, therefore ſhall I not be confounded; therfore have I ſet my face like a flint, and I know that I ſhall not be aſhamed.*

When the Executioner had cut off one Eare, which he had cut deep and cloſe to the head in an extraordinary cruell manner: Yet this Champion of *Chriſt* never once mooved or ſtirred for it, though

though he had cut the Arterie, so as the blood ranne streaming down upon the Scaffold; which divers persons standing about the Pillory seeing, dipped their hankerchers in, as a thing most precious, the people giving a mournfull shout, and crying for the Chirurgion, whom the crowd and other impediments for a time kept off, so that he could not come to stoppe the blood: This Patient all the while held up his hands, and sayd, Be content, it is well, blessed be *God*, it cannot be better bestowed. The other Eare being cut no lesse deep, and streaming out also with the other, in abundant effusion of blood, he then was after a while freed from the Pillory, and came down, where the Chirurgeon waiting for him, presently applyed remedy for stopping the blood after a large effusion thereof; yet for all this he fainted not, in the least manner, though through the expense of much blood he waxed pale. And one offering him a little wormewood water, he sayd, it needs not, yet through importunity he onely tasted of it, and no more, saying, his Master *Christ* was not so well used, for they gave him gall and vineger, but you give me good strong water to refresh me, blessed be *God*. His head being bound up, two Friends led him away to an house provided for him in Kings Street, where being set down, and bid to speak little, yet he sayd after a pawse, This is too hot to hold long: Now least they in the roome, or his Wife should mistake, and think he spake of himselfe concerning his

paine, he sayd, I speak not this of my selfe: for that which I have suffered is nothing to that my Saviour suffered for me, who had his hands and feet nayled to the Crosse: And lying still a while, he took Mr. *Prynnes* sufferings much to heart, and asked the people how he did, for (sayd he) his sufferings have been great. He asked also how Dr. *Bastwicke* did, with much compassion and grief, that he (being the first that was Executed) could not stay to see how they two fared after him. His Wife being brought to him, behaved herselfe very graciously towards him, saying, Wellcome Sweet heart, welcome home. He was often heard to repeat these words: The *Lord* keep us, that we doe not dishonour him in any thing.

Before I come to the Execution of Dr. *Bastwicke*, I shall set down the true Coppy of the Lord Keepers Warrant for Mr. *Burtons* Degradation, & the order of the *Starchamber* for his Execution; there being the like order for the Execution of the other two.

To

To the Warden of the Fleet, or his Deputy.

Mr. Warden,

These are to will and require you to carry Henry Burton *(lately sentenced in the Starre-chamber) to morrow, being Tuesday, by two of the clocke in the afternoon, unto* S^t. Pauls *Church (where the High Commission will then sit) there to abide and attend the pleasure and direction of that Court, and then to return him backe againe unto the Fleet: Wherein as you are to convey him safely, and with a competent strength and guard, So I wish it may be done with the least noyse, or notice before hand.*

So I rest

Your very loving Friend

THO. COVENTRY.

In *Camera Stellata* 29° die *Junii*, A° 13° Car. Re.

These are to require you, that on Friday the 30 *of this instant Iune, you cause* Henry Burton *late Clerke, now Prisoner in your custodie to be carryed to Westminster, and to be then set in the Pillory in the Palace-yard there, and to see his Eares then cut off, according to the purport of the Decree of this Court in that behalfe, the* 14 *of this instant Iune.*

IO. ARTHVR.

Dr. BASTWICKS EXECVTION.

AFTER the Executioner had cut off both Mr. *Burtons* Eares, by force of the former Warrant, he came unto the double Pillory, wheron Dr. *Bastwicke* and Mr. *Prynne* stood. Now the Dr. perceiving by his approach, that he intended to begin with him; he prepared himselfe with all alacrity, and with a cheerfull smiling countenance, took the hangman by the hand, and clapping him on the backe, he said welcome Friend, welcome; then the Executioner intreating him to forgive him, he replyed, I freely forgive thee; come Friend (said he) what thou dost doe quickly, for I feare not any torture or shame, that the malice of man, for witnessing the truth of my *God* can expose me unto; and so removing away his haire, he made the one Eare readie for him, who presently cut it off close to his head; which when he had done, a Chirurgion standing by (who had formerly been an household Servant unto Dr. *Bastwicke*) hastened up upon the Pillory; but the Officers who stood there to see the Sentence executed, laboured to keep him down; yet notwithstanding such was his faithfull love unto his

his Master, that with much striving, up he got, and clapped a spunge upon his Eare to stoppe the effusion of blood that might otherwise have issued forth from the wound: Then the Dr. put aside his haire from the other Eare; and forthwith he cut off the other Eare, so close as that he cut an Arterie, which caused the blood to gush out abundantly, insomuch that his Doublet (which was of white Damaske) was all bestreamed with it. All which he indured with an undaunted courage, not so much as once shrinking, or changing his countenance.

The Censure thus Executed with all extremity, Dr. *Bastwick* was let out of the Pillory, and while he stood on the Scaffold, he took the Spunge from his Eare: it being all bloody, he held it in his hand, and waving it over his head, with an audible voyce (lifting up his eyes to heaven) he uttered these words, *Blessed be my God, who hath counted me worthy, and of his mighty power hath inabled me to suffer any thing for his sake; & as I have now lost some of my blood, so am I ready and willing to spill every drop that is in my veynes in this Cause, for which I now have suffered: which is, for maintaining the truth of God, and the honour of my King against Popish usurpations. Let God be glorified, And let the King live for ever*; so going down from the Scaffold, and sitting upon the Ladder, two Chirurgions applyed meanes for the stanching of the blood, and then two Gentlemen of eminent place and ranke took him by each arme, and led him

him into a Houſe in the Pallace yard; not that he felt any faintneſſe in himſelfe, for his countenance ſhewed the contrary, being ruddie and cheerfull: but becauſe the preſſe of people was very great. They brought him into a Houſe, where his Wife met him, and his two Chirurgions came there and dreſſed and bound up his wounds: ſome few houres after his Keepers convayed him back againe unto the Gatehouſe in *Weſtminſter*, where he had been kept a Priſoner above two years before they brought him forth unto this publike ſuffering.

Laſt of all, the Executioner having done with Mr. *Burton* and Dr. *Baſtwicke*, came unto Mr. *Pryn* to Seare him, and cut off his Eares. Mr. *Prynne* ſpake theſe words to him: *Come Friend, come, burne me, cut me, I feare not. I have learn'd to feare the fire of Hell, and not what man can doe unto me. Come ſeare me, ſeare me, I ſhall beare in my body the marks of the Lord Jeſus:* The bloody Executioner performed the Execution with extraordinary cruelty, heating his Iron very hot, and burning one Cheek twice: After which he cut one of his Eares ſo cloſe, that he cut off a piece of his Cheek too, and cut him deep into the neck, neare jugular veine, to the great danger of his life. And then hacking the other Eare almoſt off, he left it hanging, and went down the Scaffold, till the Surgeon called him up againe, and made him cut it off quite. At which exquiſit torture

he

he never moved with his body, or so much as changed his countenance, but still looke up as well as he could towards heaven, with a smiling countenance, even to the astonishment of all the beholders. And uttered (assoon as the Executioner had done) this heavenly sentence: *The more I am beat down, the more am I lift up.* As sooneas he came off the Pillory, he said, *Now (blessed be God) I have conquered & triumphed over the prelates malice; & feel my selfe so strong, that I could encounter them all together at this very present.* After this he was carryed to a Chamber in the Pallace yard, and there had his wounds dressed. Where resting, and discoursing with those who visited him, about two houers, space or more, he then visited Dr. *Bastwick*, and took his farwell of him. And so returning from the Execution in a Boat, to the Tower, made (as I heare) these two Verses by the way, on the two Characters branded on his Cheeks.

S. L. STIGMATA LAUDIS.

STIGMATA maxillis referens insignia LAUDIS,
EXULTANS remeo, victima grata Deo.

Which one since thus Englished,

S. L. LAUDS SCARS.

Triumphant I returne, my face descries,
LAUDS scorching SCARS, Gods grateful sacrifice.

And

And Mr. *Prynne* himselfe thus:

Bearing LAUDS STAMPS on my Cheeks, I retire
Triumphing, Gods sweet Sacrifice, by Fire.

Mr. *Prynne*, the morning before his Execution, to informe the Lords of the Illegality of his Censure, and leave them inexcusable, dictated this Petition to a Scribe, which he desired the Lievtenant of the Tower to present unto the Lords, which he willingly undertook and performed.

TO

TO THE RIGHT HONOURABLE LORDS OF HIS Majesties high Court of STAR-CHAMBER.

The humble Petiton of *William Prynne* close Prisoner in the Tower.

Most humbly sheweth,

THat your Petitioner from the time of his apparance to the Information on which he was Censured, was debarred liberty of pen, inke and paper at his Chamber, to draw up his answer and instructions for his Counsell; and from the day before Easter Terme last, denyed all accesse to them. That his Servant who should follicit his businesse, and help coppy and ingrosse his Answer, was detained from him for ten weeks and more close Prisoner in a Messengers hands,) and since committed to the Counter (to retard his answer, and deprive him of his service, when he needed it most, and put him to unnecessary expence, all

his friends meane time being secluded from him. That in this exigent he did his utmost indeavour to procure his Counsell to repaire to him, and draw up his Answer, but could not effect either, till your Lordships upon his Petition ordered Mr. Holt to come to him, to whom he gave a fee and instructions to draw up his Answer according to the course of the Court, as he and his other Counsell should think fit. Whereupon he undertook to draw his Answer, accordingly performed it, and after often conference with one of his last assigned Counsell, by their mutuall agreement gave order to his Clerke to ingrosse it, promising to signe it, that it might be put in the next morning: but being ingrossed (for reasons best known to himselfe) he unexpectedly refused to signe it, contrary to promise, though your Petitioner payd for the Coppying, and ingrossing, tendred him a new fee to signe it, and his other Counsell profered to subscribe it, if he would: which he refusing, and the other departing then into the Countrey, and not returning till after the beginning of the last Terme, he then procured his hand thereto, and tendred it to Mr. Goad, who denyed to accept it, or his Affidavit, averring all this for truth; and that he had ever been desirous, and done all that lay in him to procure his Counsels hands to his Answer, before that time, but could not. That at the hearing, your Petitioner alledged all this, and tendred in open Court this his Answer under one of his Councels hands, and another answer signed with his own hand, both which were then rejected; and without any neglect or default in him (as he humbly conceiveth) or any proofe, witnesse confession,

confession, or particular charge objected against him by his Majesties Counsell, to which he could then make answer, the said Information was taken pro confesso, *for want of an Answer, when as he then tendred two Answers thereto in Court, as soon as he could possibly procure them, either of which, if received, would (as he humbly beleeveth) have exempted him from that punishment and censure then imposed on him, which he is now called out to suffer.*

In tender regard whereof, he humbly beseecheth your Lordships, to take it into your honourable, just, and Christian-second cogitations, whether you will deem it meet or equitable upon such proceedings (of dangerous president and example even to the most innocent persons) for the default and treachery of some of his Counsell, without any apparent neglect, confession, or proofe of guilt or crime in himselfe, to expose him to those corporall punishments of Pillory, stigmatizing, losse of the remainder of his Eares (*and by consequence of the most excellent sence of hearing, more deare then life,*) and perpetuall Imprisonment in a remote obscure Castle, *imposed on him by your Censure, and now readie to be executed; it being (as he humbly apprehendeth) contrary to the* great Charter *and late* Petition of Right, *that* any freeman should incurre the losse of life or any member (*unlesse in certain cases provided by some late Statutes, of which this is none*) but by an Indictment and verdict at the Common Law: or that he should lose his Eares for any false News, or Libels against any Peere or Prelate, (*though convicted of it*) but only

in case of false News and Libels against the Kings or Queens sacred persons: *in which very case the* Statutes of 1. and 3. Mariæ, c. 3. and 23. Eliz. c. 2. *(now expired:) which prescribe this penalty, are so moderate, that the delinquent* after censure is left to his election, to redeem the losse of his Eares with the payment of one, or two hundred pounds at most, to the King or Queen within one moneth next after his sentence pronounced; and then to suffer but 3. or 6. moneths Imprisonment only after such payment, or execution; *and is not to incurre this sentence or punishment* without sufficient proote by two substantiall witnesses at at the least, or his own voluntary confession without force or violence. *Both which fayling in your Petitioners case, he humbly hopeth your Lordships out of your honourable Justice will not inflict a severer Censure on him, only for a supposed Libel against a Prelate or two, without any confession, proof, or witnesse against him, than these statutes prescribe both in the cases King and Queen, being persons of farre higher Place and Quality than Bishops, especially after his former corporall sufferings, and tedious imprisonment. All which he in all dutie and due submission most humbly submits to your Lordships charitable, just, and honourable considerations, without the least thought either of taxing or declining the Justice or Censure of this honourable Court*

And so craving your honourable favours with pardon for his Petition, to which he is necessitated, shall ever pray for your Lordships.

This

This Petition was presented *June* 30. 1637. (the morning before the Petitioner suffered) to the then Lord *Keeper*, in *the Inner-Starchamber*, who hearing it read, acquainted the Archbishop of *Canterbury* therewith, desiring him to cast his eye thereon. To whom he replyed: *That he had no hand at all in the Censure, which was the Temporall Lords act, not his, therfore he would have no hand in receiving any Petitions concerning it; the rather, because their* Lordships *knew well, it was his Majesties expresse pleasure and command it should be Executed.* By which answer he would seem to shift off both the Censure and Execution of it from himselfe, and lay the whole blame, and *odium* of them on the King and Temporall Lords, who did nothing but by the Prelates originall instigation, being but the instruments, the Executioners of their cruelty and revenge; though I dare say, most of the Lords that passed this sentence, never once thought that it should have been executed. But the Sentence being once past, the Prelates took care to make it irrevocable. The Execution of this Sentence upon Dr. *Bastwicke*, Mr. *Burton*, and Mr. *Prynne* was dispatched before the Decree was entred, or their Attorneys could get any sight thereof to except against it: And as if the Sentence at the hearing had not been sufficient, the Court upon Mr. Attorneys meere motion, made this supplimentall order by way of addition to it (a thing altogether extrajudicial and extravagant, warranted by no

no former president) on purpose to debarre them of the liberty of pen, inke, paper, and Books, not prohibited them by the Decree it selfe.

In Camera Stellata coram Concilio

ibidem 29no die Junii, Anno decimo tertio *Caroli* Regis.

IT is this day Ordered by this Honourable Court, upon the motion of Sir John Banks *Knight, his Majesties Attourney Generall, that* Henry Burton, John Bastwicke, *and* William Prynne, *late defendants at his suit, Who by the Decree of this Court, dated the foureteenth of* June *last, are to suffer perpetuall Imprisonment,* (viz.) *the said* Bastwicke *in the Castle of* Lancester, *in the County of* Cornwall; Prynne *in the* (**Goale of the*) *Castle of* Carnaruan; *and* Burton *in the Castle of* Lancaster: *shall not be admitted at any time, during their said Imprisonment, to have any use of Pen, Inke, or Paper, nor of any other Books, but the Bible, and the Book of Common Prayer, and such other Books of devotion, as the severall Keepers of the said Castles, where they are to be Imprisoned, will be answerable for, that they are consonant to the Doctrine of the Church of* England.

* This was foisted into the Decree, and no part of the Sentence.

JO. ARTHUR *Dep.*

Mr.

Mr *Prynne* after his Execution, being a close Prisoner, and wanting his Servant to attend him during his sores, (detained still close Prisoner in the Messengers hands, by the Archbishops direction;) desired the Leivtenant of the Tower to move the Archbishop, either to release or bayle his Servant upon sufficient sureties, to attend him whiles his wounds were healing; but he, out of his Arch charity, utterly rejected this motion, contrary not only to Law, but common humanity, saying; *that he intended to proceed against his Servant in the High-Commission, and he could not call a High Commission Court in the vacation to please Mr. Pryn*; though he could summon 2 Commission Courts in Vacation to Suspend Mr. *Burton*, and might nay, ought to have bayled him by Law, without calling a Court. And in truth he proved as good as his word, for causing his Servant to be oft times examined by the then Attorny Generall and Solicitor, who by threats and great promises would have induced him, like another *Judas*, falsly to accuse and betray his Master, and he refusing to doe it; he Articles against him in the High Commission, and for his refusall to take an *Ex Officio* Oath before sight of his Articles, he by a speciall letter procured by him under his Majesties signet, took the Articles against him *pro confesso*, fined him 1000 *l.* to the King, taxed him to pay good round * costs of suit; committed him close Prisoner to the Counter, Excommunicated him, after that banded

* Though there was no Prosecutor assigned.

ded him up and down from Prison to Prison, removing him from the Messengers to the Counter; from thence to the Gate-house; from it to the White Lyon; from thence to Newgate; from it back againe to the White Lyon; making likewise an Order to send him close Prisoner to *Wisbich* Castle; ordering his Father to pay the Messengers fees, amounting to above 22 *l.* under pain of Imprisonment, and protesting that he should never be released while he lived, unles he would take his Oath to answer the Articles, and confesse such things as he should demand of him, touching his Masters secrets. Yea so farre did his malice extend to all, who had any relation to Mr. *Prynne*, that he sent one of his servants to one of his own kindred (Mr. *John Badger*, of the Inner Temple) and forwarned him any more to come to *Lambeth*, or see his face hereafter, because he used to visit Mr. *Pryn* at the Tower; and refused so much as to see or speak with this his kinsman even since his own commitment to the Tower, when he went to visit him there, because he visited Mr. *Prynne*, whom he now succeeds in the Tower, sitting in the very same seat in the Chappell there, where Mr. *Prynne* was placed by his meanes.

The

The Manner of conveighing Dr. *Bastwick*, Mr. *Prynne*, and Mr. *Burton*, to their severall Prisons, and places of *Exile*, together with the true Copies of the *Lords* Orders, Warrants, and Letters, by force of which they were removed, *exiled*, and *close Imprisoned.*

YOU have already heard a true Narration both of the Sentences, and corporall *Executions* of Doctor *Bastwick*, *Mr. Burton*, and *Mr. Prynne*; you shall next receive a briefe Relation of the manner of their severall removalls, to their remote Prisons, and places of *Exile*, and a true Copy of the Orders, Warrants, and Letters from the *Lords*, by force whereof they were translated, *imprisoned* and *exiled.*

On the 26th. day of *July*, 1637. Dr. *Bastwick* before his wounds were perfectly cured, was by Mr. *Hopkins* cheife Warden of the *Fleete*, and his substitutes, conveyed from the *Gate-House* towards the Castle of *Lancester*; and so strictly looked unto, that his Wife, who followed him in a Coach, could not for some dayes space bee

admitted, so much as to speake with him, or to lodge in the same Inne where he lodged; though the Conducters had no *Order* from the *Lords*, thus to separate those against the Lawes of *God* and the Realme whom *God* hath so neerely joyned together. On the next day (to wit the 27. of the same moneth) Mr. *Prynne* before his sores were healed, was removed from the *Tower* to the *Fleete* by three of the *Wardens* servants about 7. of the clock in the morning, and within one hower after conducted by them, and the *under-Warden Mr. Ingram* towards *Carnarvan* Castle; the streets and wayes from the *Fleete* till beyond *High-gate* were full of people, to see and take their farewell of him, whom they though never to behold againe; some of his friends accompanyed him to *Saint Albans*, where hee lay the first night. The day following, *Mr. Burton* not yet cured of his wounds, by the said *under-Warden*, and three of his Servants, was conveyed towards *Lancaster* Castle, multitudes of people appearing in the streets and wayes to take their *ultimum vale* of him, as they imagined; his Wife, Daughter, and other of his Friends followed him to *Lancaster*, and were scarce permitted to speak with him on the way.

The *Orders* and *Warrants* by force of which they were thus removed, I shall here subjoyne.

July.

Julij 15. 1637. *Anno* 13. *Caroli Regis.*

The Warrant or Order of the High Court of *Starchamber*; for carrying *Mr. Burton Dr. Bastwick*, and *Mr. Prynne* to the severall Prisons within named.

MR. Warden of the Fleete, *these are to require you, that you receive from the* Leivetenant *of* the Tower, *the body of* William Prynne Gentleman, *and that you cause him to be carryed downe to the** (Goale *of the*) Castle of Carnarvan, and *there deliver him over to bee imprisoned in the said* Goale, *in such sort as by the* Decree *of this Court is directed. And that you also receive from the Keepers of the* Prison *of the* Gate-House *at Westminster, the Body of* John Bastwicke, *Doctor in Physick; and in like sort carry him downe to the* Castle *of* Launceston *in the County of* Cornewall, *to be there imprisoned according to the purport of the said* Decree, *and that you also cause* Henry Burton *now Prisoner in your Custody, to be carryed downe to the* Castle *of* Lancaster, *there to be imprisoned according to the Purport of the aforesaid* Decree.

* No part of the sentence.

JO. ARTHVR. M. GOAD.

To this Order of the *Starre-chamber*, the *Lords* super-added a Warrant of assistance, directed to all *Officers* to ayde the *Warden* of the *Fleets* substitutes in conducting these three Prisoners to their severall Prisons, as if they were dangerus persons, apt to make an escape, whereas the least child might have carried them to their designed Goales without danger; the Contents of which Warrant were as followeth.

WHereas the Warden of the Fleete *is by Order of the* Star-chamber *of the* 15th. *of this present* July *required, to cause* Henry Burton, *now Prisoner in his custody to be carryed downe to the Castle of* Lancaster, *to be there Imprisoned in such sort, as by the* Decree *in* Starchamber is directed; *these shall be therefore in his Majesties Name straigtly to charge and command you, and every of you, to be ayding and assisting unto the said Warden of the* Fleet *his Deputy, or such Person or Persons as hee shall imploy for this Service, as well in the safe conveying of the said* Burton *from place to place, untill he come to the said Goale, as also in appointing a sufficient Guard at night, and other times needfull, and in affording your best advise, helpe and furtherance upon all Occasions, where the same shall be required, or necessary, for the better Execution of this service; whereof you may not faile, as you will answer the Contrary at your uttermost* Perills. *Dated at* White-Hall *the* 20th. *of* July, 1637.

THO. COVENTRY, LINDSEY, ARVNDEL & SVRREY,
JOHN NORT: E. NEVVBVRGH.

Thomas

Thomas Jermin.

TO all Majors, Sheriffs, Justices of Peace, Bayliffs, Constables Headburroughes, and all other his Maiesties Officers, and loving Subiects whatsoever?

The like Warrant of Assistance was delivered to the Conducters of *Dr. Bastwicke*, and *Mr. Prynne.*

Now as if the Decree, and Orders fore-specified were not strict enough, the *Arch-Bishop* out of his super-abundant *Grace*, procured the *Lord Newburgh* Chancellour of the *Dutchy* of *Lancaster*, to write a Letter to *Mr. Thomas Covell* the Jaylor of *Lancaster* Castle, for the more strict imprisonment of *Mr. Burton*, when hee should there arive, of which this is a true Coppy taken out of the *Originall Letter, under* the said *Lords* hand and Seale.

After my hearty Commendations.

YOU will very shortly receive a Prisoner into the Castle of Lancaster *one* Mr. Burton, *committed thither by the Sentence of the* Starre-chamber, *and I am by* direction from the Lords of the Councell, to give you notice, and charge, that you take especiall care, to see that the said Sentence and Decree bee * strictly and precisely observed in all points, touching his Imprisonment, for there will be a very strict Account, taken of you for it; and so this being for no other cause, I rest.

* O the cruelty of Lordly Prelates, who have all strictnesse and precisenesse in Religion, but not in oppression.

Dutchy House 3. July 2637. *Your loving Friend,*

O the unsatiable malice, and under-hand Practises of bloud-thirsty mercilesse *Prelates!* O that any Honourable *Lords* should so farre dishonour themselves, and the abuse their Authority, thus to become their vassals, and the unjust Executioners of their most malicious designes, to the oppression of meere Innocent and well-deserving men!

There were likewise three severall Warrants, directed to the Keepers of those three Castles, under the then Lord *Keepers* hand; the tenor whereof followeth.

THese are to require you. That you receive from the Warden *of the Fleete, or his Servants, the Body of* Henry Burton (*who by the Decree of the most Honourable Court of* Star-chamber, *dated the* 14th. *of June last, at the suite of his Majesties Attourney Generall, is to suffer perpetuall Imprisonment in the Castle of* Lancaster, *and none to have Accesse unto him there, but by speciall Licence of his Majestie, or the Lords of his Highnesse Privie Councell, and that you keepe him in the said Castle, according to the direction of the said Decree, and that you take care that he be not admitted at any time, during his said Imprisonment, to have any use of Pen, Inck or Paper, nor of any other Bookes but the Bible, and the Booke of Common Prayer, and such other Bookes of divotion, as you will be answerable for, that they are consonant to the Doctrine of the Church of England.*

THO. COVENTRY. TO

To the Keeper of the Castle of Lancaster for the time being.

THE like Warrants were directed to the Keepers, and Goalers of *Lanceston*, and *Carnarvan* Castles, concerning Dr. *Bastwicks*, and Mr. *Prynnes* strict imprisonment there.

Lord! what an extremity of Malice, and overflowing cruelty, was exercised towards these poore Prisoners after all their miseries and corporall sufferings, thus to make Warrant upon warrant; Order upon Order, for their strict close Imprisonment! Never were any Arch-Traytors so narrowly looked too by the States, as these innoxious Persons were by the *Prelates* instigation. Dr. *Bastwicke* ariving at *Lanceston* the first of *August*; was by force of this Warrant the next day, shut up close Prisoner in the Castle there, part whereof not long before had fallen downe through age, and murthered the Keeper of it, and his Wife in their bed, a little child lying betweene them both, escaping without harme (*) his Chamber there was so ruinous, that every small blast of wind threatned to shatter it down upon his head, yet there, or no where must he be lodged. Mr. *Prynne* on Saterday the 5th. of *August* comming to *Carnarvan*, was on *Munday* following delivered over to the under-Sheriffe, there to be kept close Prisoner in the

(*) Iudge *Finch* being informed hereof, said by way of scoffe, *That the Dr. by his Faith, and Parayrs would hold it up from falling.*

Goale

Goale of that Castle: a nasty doghole, having no other covering but the Heavens, no floore, but two or three narrow Arches, with a kind of vault under them, full of dung and excrements; a place overgrowne with weedes on the side walls, without any Chimney, chamber, or window; having onely three or foure darke little holes, in the sides betweene a double wall, where the Felons in the night lye upon beds of straw, being unable to continue in it in the day time for Nastinesse. The unfitnesse of this place, unmeet to lodge a Dog in, much more a Christian; and the want of a place to shut up the felons, or lodge *Mr.* Prynne within that ruinous Castle, caused the Sheriffe to close imprison him in the *Goalers* house within the *Towne*, till further directions received from the *Lords*, to whom the inconvenience of the *Goale* was certified. *Mr. Burton* ariving at *Lancaster* the 7th. of the same *August*, was delivered the same day to the Keeper of the Castle there; and shut up close Prisoner in the common *Goale*, in an upper Chamber without bed or furniture, and so ill flored, that his feete and legges might easily slip through at every step if hee looked not the better to it. Soone after his comming thither there were a company of *witches* purposely imprisoned in the Chamber under him; and a ranke Papist set to bring him his meat, and to be his chamber-fellow; neither his Wife, Daughter, nor Maide being once permitted to come neere him; no not when hee was ill,

ill, and like to die of the wind Collicke. Whiles *Mr. Burton*, *Mr.* Prynne, and Doctor *Bastwick* were on their way to these their designed remote Prisons, the *Arch-Bishop* procures the *King*, and *Lords* sitting in Counsell at *Oatlands*, to make a new Warrant for their more strict Imprisonment in those places; one of which warrants (being all one but in the names of the Parties and Castles) I shall here present you with, to shew the unsatiableness of the *Arch-Bishops* endles malice.

At the Court at Oatelands the 30th. of July, 1637.

Present the Kings most excellent Majesty

Lord Arch-Bishop of Cant.

Lord Keeper.
Lord Treasurer.
Lord D. of Lenox.
Lord Mar. Hammilton
Ea. Marshall.
Ea. of Dorset.
Earle of Holland.
Lo. V. Wimbleton
Lord Cottington.
Mr. Controler.
Mr. V. Chamberlane.
Mr. Secre. Cooke.
Mr. Sec. Windebank.

WHereas Henry Burton, *is by the late Sentence of the High Court of* Starre-Chamber *to be committed to the Goale, in the Castle of* Lancaster, *and there to be kept close* Prisoner.

Their Lo dships conceiving that the said Burton *cannot be in a common Goale, kept so close a Prisoner as by the said sentence is intended; upon consideration thereof; doe hereby will and require the Constable, or other chiefe Officers of the said Castle of* Lancaster, *and his Deputy or either of them, to suffer the Sheriffe of the County of* Lancaster, *or the Keeper of the said Goale, under him the same Sheriffe for the time being, still to use such Roome, or Chamber without the same Goald, and within the said Castle, as shall be most fit and convenient, for the said Sheriffe for the time being, or his Goaler, to keepe the said* Burton *a close Prisoner there; and that none of the other Prisoners, or* * *any other* Person *or Persons be permitted to come into the said Castle to conferre, or any way to converse with the said* Burton, *such onely excepted as are to take care of his safety, or to attend the said* Burton *to give him daily sustenance and reliefe. And the said* Burton *is not to be permitted to have the use of any Pen, Inck, or Paper, or of any Booke or Bookes save onely the Bible, the* Booke of Common Prayer, *and such other Canonicall books, as he shall desire for his comfort and devotion, and which are consonant to the Religion professed in the Church of England. In regard of which close Imprisonment his Majestie will give allowance for his diet, for all which this Order shall bee a sufficient Warrant to the said Counstable, or other chiefe Officer of the said Castle of* Lancaster, *and to his Deputy, and the Goaler afore said.*

* How strictly doe the *Wolves* imprison the poore *Lambs*?

Exam: WILL. BECHER. In

In this Order there seemes one charitable clause in favour of the Prisoners, *that in regard of their close imprisonment, his Majesty will give allowance for their dyet.* But this Charity was only inserted to blinde the people, and prejudice them. For the *Prelates* being his Majesties Purse-bearers, and having his Treasury Keyes at their devotion, there was not so much as one penny given or allowd to any for their diet; and had not their Friends and keepers beene more charitable than the *Prelates*, they might have starved many an hundred times, notwithstanding this pretended indefinite allowance.

Some few weeks after, the omnipotent malicious *Arch*-*Prelate*, to adde double affliction to the afflicted, and to deprive them of all possibility of comfort or relieſe from their wives, children, kindred, or friends, procures an order for their *Exiles* and close Imprisonment, in the Castles of *Garnsey*, *Jersey*, and *Silly*; a true Coppy whereof you may here behold.

At the Court at Oatlands the 27. of August, 1637.

Present the Kings most Excellent Majesty.

Lord Arch-Bishop of Cant.	*Ea. of* Dorset.
Lord Keeper.	*Ea. of Holland*
Lord Trear.	*Lo. V. Wimbledon*
Lord Duke of Lenox	*Mr. Controler*
Lo. Marq. Hamilton.	*Mr. Sec. Coke*
Ea. Marshall	*Mr. Sec. Windebanck.*

WHereas by Sentence and Decree of the Court of Starre-Chamber, *John Bastwicke*, *Henry Burton*, and *William Prynne*, were committed lately to remaine close Prisoners, The said *John Bastwicke* in the Castle of *Lancestion*, and *Henry Burton* in the Castle of *Lancaster*, and *William Prynne* in the Goale or Castle of *Carnarvan*: His Majestie having beene since * informed, how inconvenient the said Castles are for the custody and guard of those Prisoners, did this day order with the * advise of the Boord, That the said *Bastwicke* should be removed to the Castle or Fort of the Isles of *Sillies*; *Burton* to the Castle of the Isle of *Guernsey*, and *Prynne* to one of the two Castles of the Isle of *Jersey* (which by the Governour of the same shall be thought fittest) to be there safely kept close Prisoners in their chambers; and that to prevent the danger of spreading their Schismaticall and seditious opinions [which was the cause wherefore the Court of Star-chamber did imprison them in these remote places] none be admitted to have conference with them, or to have accesse unto them, but onely such as being faithfull and discreete persons shall be appointed by the Governour or Captaines of those Castles, or their Deputies for attendance upon them, to give them

* *By whom but the Prelate?*
* *It is pitty any Prelate should set at that Boord to give such ill advise, to his Maiestie and his Nobles.*

them their dayly sustenance, and necessaries, nor they the said Prisoners to be allowed the use of any Pen, Paper, or Inke, nor any Bookes, but onely of the holy Bible, the Booke of Common-Prayer; and such Bookes which they shall desire for the practise and exercise of private devotion onely. The same to be also such, as the said Governours, Captaines, or their Deputies know to be consonant to the Doctrine and Discipline established in the Church of England, and for which they will be answerable to his Majesty, that the same are such, and that no Letters or Writings be permitted to be brought unto the said Prisoners, nor from them to be sent to any person, or place whatsoever: and if there shall be any such brought, that the same be opened by the said Governours, Captaines, or their Deputies, and if they containe any thing materiall or considerable, that the same be sent to one of his Majesties principall Secretaries. And moreover that the Wives of the said *Bastwicke* & *Burton* [who as his Majestie hath beene informed] have made some attemps, to procure accesse unto their said Husbands, and to convey Letters unto them, and as is conceived will be evill instruments to disperse and scatter abroad those dangerous opinions and designes which their said husbands shall desire to spread, contrary to the true intent of the Sentence and Decree of the said Court; therefore they shall not be permitted to * Land, nor abyde in any of the sayd Islands; and if contrary hereunto it should happen through the in-

* *Horrid, and more than barbarous cruelty thus to separate Man & Wife, & not so much as to permit them to land in the same Islands where their husbands were close imprisoned! How little did the Prelates here regard this Precept of Christ, and their owne common Prayer Booke, ratified by Statute, Those whom God hath joyned together (in Matrimony) let NO MAN put a sunder, Matth. 19. 6.*

advertency of officers or otherwise; that they, or either of them should Land in either of the said Islands, That the same being discerned and made knowne to the respective Governors or Captaines of the same, or unto the Deputies of the said Governors and Captaines respectively, they or either of them so offending, should be forthwith committed to prison, there to be detained untill further order from the Boord. And it is further ordered, that those persons, who shall be employed, for removing the said persons as aforesaid, either by Sea or Land, doe carry or convey them with all privacy and secresy, to prevent all concourse of people in their passage, and that they suffer no person whatsoever but themselves onely, who have the care and charge of conveying them, to speake with them in their passage.

Exam. Dudly Charleton.



These Warrants were incloſed, and ſent with particular Letters to the Governours of *Garneſey*, *Ierſey*, and *Silly*, from the Lords, enjoying moſt ſtrict execution of theſe Orders. I ſhall trouble you onely with the recitall of one of theſe Letters, the other two according with it in ſubſtance.

*After our hearty commendations, we ſend you incloſed an Order of this Board, containing his * Majeſties pleaſure and command for the removing of* Henry Burton *from the Caſtle of* Lancaſter *unto the* Caſtle *of the* Iſle *of* Guerneſey, *there to be kept Priſoner in ſuch ſort, as by the ſaid Order, you will ſee more particularly directed. Which Iſle and Caſtle being under your government and charge; We doe hereby pray and require your Lordſhip to take Especiall care your ſelfe, and alſo to give Order to your Deputy, and ſuch other of his Majeſties Officers there, whom it may concerne, that the ſaid Order be duly and punctually put in execution, when the ſaid* Burton *by warrant from this Boord ſhall be brought thither: and ſo not doubting of your forwardneſſe and good affections to this ſervis, wherein his * Majeſties Governement, and the Peace and quiet of the Church and*

* *The King alone muſt beare all the blame of the Prelates ill actions.*

* *See how this wretched Archprelate ingageth his Majeſtie, and the State in his owne particular quarrell and wrongs; and how cunningly he vents his malice, and ſets on his deſignes.*

and People is so much concerned, wee bid your Lordship very heartily farewell;

From the Court at *Oatlands* the 27th. of *August.* 1637.

Your Lordships Loving Friends,

Tho. Coventry.
Hammelton.
Arundle and Surrey.
Holland.
I. Coke. Fran. VVindebanke.

And

And here I pray obserue, first the Prelates injustice, in banishing these Prisoners contrary to their owne Decree in Star-chamber, without either examining them, or shewing cause why they did it. 2. Their cruelty in shutting them up close Prisoners in forreigne *Islands*, and denying the accesse of their wives, kinred, and friends unto them in person, or by Letter, and in prohibiting them the use of Pen, Inke, and Paper, to write for necessaries; and yet giving no order for any provision or allowing of diet to preserve their lives; so that it appeares their cleare intent was, to starve them in prison, in case they should escape the dangerous Winter Seas, which in probability might drowne them in the passage. 3. Their Machiavilian policy; for though their hands appeare in the warrant, and Councell-Table-Order, yet they cause the temporall Lords onely to subscribe the Letter for the execution of it, to cast all the *odium* upon them.

This Order thus poasted to the Governors of these Isles; presently after they procure another Order directed to the Sherieffes for their transportation to these Islands, in the words ensuing.

AFter our hearty commendations: VVhereas his * Majesties with the advice of this Boord hath given order, that Henry Burton who by Sentence and Decree of the Court of Star-Chamber, was lately committed to remaine close Prisoner in the Castle of Lancaster shall be removed to the Castle of the Isle of Guernesey there to be kept Prisoner according to an Order of the Boord sent to his Majesties Governour of the said Isle, we are by his * Majesties speciall command to require and charge you forthwith to take effectuall Order, that the said Henry Burton be in all deligence safely inbarqued in some convenient Port or Place in that County neareſt to the Castle where now he is prisoner and thence with the first oportunity of winde transported at his Majesties charge (by such faithfull and trusty Officers, as you will Answer for) into his Majesties Isle of Guernesey, and there safely delivered into the charge and custody of the Governour or Lievetenant Governor of the said Isle to be kept close Prisoner in the Castle there, according to the said Order, and to this purpose wee have herein sent you a VVarrant to the Keeper of the Castle of Lancaster to deliver the said Burton to you, or such as you shall appoint to receive him into custody, and doe thereby authorise and require you to presse and take up such Ship or Barque as you shall finde fit for the said Henry Burtons transportation, paying such price for the same as shall be reasonable. The * charge of whose remove & transportation shall be allowed unto you upon your accoumpt: You are to see that the vessell that you take up or presse for this purpose be ready fitted to put to sea before you take the said Burton out of the Prison, where

* All the Prelates Actions must be fathred on his Majesty.

* How doe the Prelates abuse his Majesty to lay the blame of their illegall odious actions upon him.

* The King must be at the sole charge to execute the Prelates Malice on his loyall subjects.

new

now he remaines, and to take* effectuall care and order, that the Persons whom you imploy for removing the said Burton as aforesaid, either by Sea or Land, doe carry and convey him with all privacie and secretly, and without making any unnecessary stop or stay, to prevent all concourse of people in his passage, and that they permit * no person whatsoever, but themselves onely who have the care and charge of conveying him, to speake with him in his passage; & we doe heare will and command all Majors, Vice-admiralls, Justices of Peace, Customers, Controulers, Searchers, Marshals of the Admirality, Constables and other his Majesties officers and subjects to be aiding and assisting unto you in the due execution of this our Warrant, and this shall be a sufficient warrant, both for you and them on this behalfe, and so Wee bid you farewell.

* O how carefull are the Prelates of these parmultiated Close prisoners,

* Never was any Arch-trayters or Robbers so narrowly watched in their passage, as these your innocent Prisoners.

From the Court at *Hampton* Court
the 17. of *Septemper* 1617.
Your loving Friends,

William Cant.
Manchester.
Thomas Coventry.
Hammilton.
Arundell and Surry.
Northumberland.
Dorcet.
Fra. Cottington.
H. Vayne.
I. Ecke, Fran Windebanke.

Observe I pray how in the most of these Warrants, the Prelates hands are first, and yet *Canterbury* in his Oration in Star-chamber, and his Epistles Dedicatory prefixed to his Answer to *Fisher*, like a notorious hypocrite, *desires God to forgive them*, and forbeares to censure them, as if he bore no malice towards them, when as all their troubles streamed principally frō his enmity. Besides this, there was another Warrant of the same date, directed to the severall Keepers of all these Castles, to deliver these three Prisoners over to the high Sherieses of the Counties, who were to transport them to the three Islands, the tenor whereof ensueth.

To the Keeper of the Castle of *Lancaster*, for the time being

IT *is his Majesties pleasure, that you forthwith deliver the person of* Henry Burton *formerly by sentence of the Court of Star chamber, ordered to be kept close Prisoner in the Castle of Lancaster, unto the High Sheriffe of the County, of* Lancaster, *or to such Person as he shall appoint, to receive and take the said* Burton *into Custody, for with this shall be your warrant*

warrant, Dated at the Court at Hampton Court the 17th. of September 1637.

William Cane.
Tho. Coventry.
Guil. London.
Manchester.
Hammilton.
Arundell and Surry.
Northumberland.
Dorset.
Fran. Cottington.
Henry Vane.
I. Cooke.
Fran. Windebanke.

To the Keeper or Vnder-keeper of the said Castle of Lancaster.

VPon receipt of these Orders and warrants, the high Shriefe of *Corn wall* cause Doctor *Bastwicke* to be suddenly removed, without any warning, from *Launceston* to *Plimouth* upon the 10. day of *October*, 1637. where being imbarked in a small vessell (into which his wife was not permitted to enter, to take her farwell of him) he landed at the Islands of *Syllyes* the 16th. of the same *October*, where many thousands of *Robin Redbrests* (none of which birds were ever seene in those Islands before or since) newly arived at the Castle there the evening before, welcommed him with their melody, and wit hin one day or two after tooke their flight from th ence, no man knowes whither. The Doctor upon his arrivall was immediatly delivered over to Captaine *Bassets* offices, and by them shut up close Prisoner in the Castle there under three or foure lockes and doores, no man being permitted to see or speake with him. Master *Burton* on the first of *October* in the same yeare, was by the high Shrieffe of *Lancasters* substitutes very early in the morning with all privasie removed from *Lancaster* Castle, (his wife and children being not permitted to speake with him, but onely to behold him a farre of) unto *Leurepoole*, and there shipped for *Guernsey*, were after a long and dangerous possage through the *Irish* seas, he arrived safely at *Castle Cornet* in

Guernsey,

Guernsey the 15th. of *December* following, and was shut up close prisoner in a low narrow chamber, having a Pallisado of boords set upe bfore the window, that so none might come neare to see or speake with him; out of which chamber, hee was not permitted to stirre for a long time, till he was like to be smothered for want of ayre, and removed by degrees to a more convenient lodging. Mr. *Prynne* being in a County where there was no shipping, but such as come in accidentally with salt from other parts, was on the tenth of *October* inbarqued close by *Carnarvan* Castle in a Barke of *Leurepoole* called the *Stremme*, which had beene shipwreckt and bruised but the voyage before, and was since utterly cast away: the Owner, Master, and most of the Marriners of this rotten leaking Vessell were Papists, and loath to undertake such a dangerous Winter Voyage in so ill a Vessell; but being pressed by the high Sheriefe of *Carnarvan* for his good service, they durst not but obey. The weather being stormy, the seas rough, and the winds contrary, they were in great danger of Shipwrecke, especially neare S. *Davids* head among the Bishop and his Clearkes, (rockes so called) where thousands of Ships and Barkes have perished. The Barke being formerly bruised was so full of leakes, that all the hold was full of water, so as all Mr. *Prynnes* bedding, Linning, and necessaries were spoiled with the inundation, and the Marriners enforced to Plumpe night and day to save the vessell from drowning. And neare *Milford Haven*, the stormes was so violent

violent and the ground so foule, that they were driven out to sea, with the losse of their best Anchor, and a new Cable never wet before, which was cut asunder. To stoppe these leakes, provide a new Anchor, and a Pilot to conduct them in the Southren Seas where all of them were strangers, they were enforced to put in both at *Famouth*, and *Plimouth*, so as they arrived not at *Iersey* till the fifteenth of *January* following, and on the 17th. day Mr. *Pryne* was conveyed from S. *Aubins* where he landed, to *Mount-Orgueil* Castle at the other end of the Island, where he was shut up close Prisoner according to the fore-mentioned *Orders* of the Lords, and somewhat more courteously used, then his fellow Prisoners, so farre forth as would stand with the Lords Warrants, till his release by Parliament strict thence; Of which hereafter.

The

The History of the proceedings at the Councell Table, and in the High Commission at *Yorke* against those of *Coventry* and *Chester*, who visited Mr. *Prynne* in his journey to *Carnarvan*, with the orders and manner of defacing and burning his *Pictures* at *Chester*.

WHilst Mr. *Prynne* was thus close prisoner at *Carnarvan*, and in his winter voyage towards *Jersy*; the Prelates of *Canterbury*, *Yorke* and *Chester*, not content to wracke the extremitie of their malice upon his person, fell pell mell like so many Furies upon his *Friends* and *portrayture*, in such a high straine of injustice, as I presume no age can parallell; of which I shall give you a short tast.

Mr. *Prynne* in his passage from *London* to *Carnarvan* rested at the City of *Coventry* on the Lords day, where hee went twice to Church; his conducters having no order to restraine him from Church, nor to prohibit any of his friends to resort to him, some of his acquaintance of that City came and visited him at his Chamber in the

Inne, out of which hee stirred not but onely to Church. *Canterbury* being informed hereof, sends a messenger thither in post hast for the Maior (whose wife had visited Mr. *Prynne*, not himselfe) and some six more of the Citie to bring them up to the Councell Table, and gives order to the Kings Atturney Generall to bring a *Quo warranto* against the towne to seise their liberties. They being thus brought up, attended the Lords aboue a fortnight; and petitioning to bee discharged, the Lords referred them to the Archbishop, who caused them to be sent for: hee turnes them over (being attended by them) to Mr. Atturney, who examines them concerning their visiting of Mr. *Prynne*, at his Inne in *Coventry*, and his going to Church there; and at last finding nothing against them (the most of them having not so much as spoken to him in their lives) they were with a checke and the expence of two or three hundred pounds *viis & modis*, dismissed. Mr. *Prynne* going forwards in his journey towards *Chester*, within two miles thereof, one *Calvin Brewen* of that City casually overtaking his conducters, and entring into parly with them as they rode together, asked who Mr. *Prynne* was; they informing him, demanded of him, which was the best Inne in *Chester* where they might bee best accommodated with lodging? he acquainting them, they resolved to lodge at the Inne nominated: whereupon hee demanded of them, whether hee might visit Mr. *Prynne* at his Inne without offence? they replyed yea, they having no warrant to debarre any of his

his friends from him. Whereupon when Mr. *Prynne* came to his Inne, Mr. *Brewen* and some other of Mr. *Prynnes* acquaintance of *Chester* came to see him at his Inne, and the next day went with him into the Citie, to helpe him buy some bedding and furniture for his Chamber at *Carnarvan*, where no such commodities could bee gotten; and when hee departed out of *Chester*, none of his conductors knowing the way, some three or foure of his friends conducted them over the washes which are dangerous; and bringing them onwards in their way about foure or five miles, bestowed a cup of wine and some cold meat upon his conductors, and returned.

The Bishop of *Chester* hereupon, informes against these *Chester* men for visiting Mr. *Prynne*, & sends up their names to *Canterbury*, who having some notice of it before, was angry with the Bishop because he received not the first information from him, which the Bishop excused by his absence from *Chester* at that time: and to ingratiate himselfe the more with the Archbishop (between whom there passed many letters touching this businesse) to manifest his zeale to his Graces service, and his detestation against Mr. *Prynne* for the Archbishops sake, he in the first place makes an Order (entred into his Register) which he caused to be published in all the Churches of *Chester*, wherein hee slanders Mr. *Prynne*, his friends that visited him, with his fellow sufferers; enjoynes all the Ministers and lecturers in the Citie

publikely to preach against them, turning the Pulpit into a Pasquill. A Copy of which good Order (for the strangnesse of it) I have here inserted.

A Copie of the Bishop of Chesters Order, read in Chester Churches, Aug. 28. 1637.

WHereas divers * persons notorious and factious *Scismaticks*, have beene lately sentenced in the high Court of *Starchamber*, for seditious bookes and Speeches against the Government both Ecclesiasticall & Temporall of this Realme, in conveying some of them to prison, some scismaticall persons of this *City of Chester*, to the afront of authority, factiously countenancing them, have most audatiously testified their approbation of the Offenders and their offences, not onely in words, but by entertaining the Offenders in such sort, as if they had * wrongfully and unjustly beene sentenced: and have thereby also manifested their owne inclination to the like faction and scisme; for which it is likely they shall * receive condigne punishment: but in the meane time by reason thereof, this *City*, which hitherto (God be praised,) hath continued free from any inconformity and scismaticall practices, is thereby much defamed, and the Government thereof, as well by the Temporall as Ecclesiasticall Majestrate, may in time receive some blemish, unlesse some speedy cours bee taken therein: therefore the * *Lord Bishop* of this Dioceese, having not without violent presumptions, but with a great deale of sorrow, just cause to suspect some of the clergie of this City, as either openly or privately approving or encouraging the like scisme or faction; in discharge of his (* duty) hath thought good in his

* How prove you this Mr. Bishop?

* The whole house of Commons hath *una voce* now resolved as much and more.

* This Bishop therefore was more then likely the chiefe persecutor of *Chester* men in the High Commission at *Yorke*.

* Who made him a Lord? his Patent surely termes him not so.

* Your dutie is to preach, not to make such unjust Orders as these.

his trienniall visitation, to order, and doth hereby order and decree, that every * Lecturer in any Parish Church of this City, before every his lecture or sermon, shall hence forth in his surplesse read prayers, distinctly, reverently, and fully, according as it is prescribed in the book of Common prayer, and shall not preach but in his * surplesse: & that as well all such lecturers as all other persons Vicars and other Preachers, shall in their next lectures and sermons, after timely notice had of this order, make publike expression of their heartie detestation of the offences for which the said Offenders were censured, as tending notoriously to scisme and sedition, and the breach of the unity of this Church; and effectually exhort the people to obedience and to the avoidance of the like scisme: all which his Lordship doth require of them upon their * cnaonicall obedience, and upon paine of suspention of the parties offending, or subterfuging, as also upon paine of suppressing that lecture, if any lecturer shall refuse the same, or be found deficient therein. Likewise it is hereby ordered by the said Lord Bishop, that no stranger of any other dioces shall bee permitted to preach in any Church of this City, without speciall licence of the Lord Bishop of this dioces, or in his absence, of his Chancellour or his surrogates: of all which the Church-wardens of every Parish are likewise ordered to take speciall notice, and to make presentment of any breach of these orders forth with unto his Lordship or his Chancellour, as they will answere it at their perrills. And to the end, that none may excuse themselves for want of notice of them; it is likewise ordered by the said Lord Bishop, that the same bee published on Sunday next in the afternoone, in the time of divine servis by the Minister, in every Church of the said City.

Quo jure, prescribe you this.

*Christ and his Apostles preached without one.

*We see here what canonicall obedience is.

Dated the 24. of *Aug.* 1637.

JOHN CESTRIEN.

Copia vera ita est.

This Episcopall, pious and charitable Order, was immediatly published in all the Churches in *Chester* the next Lords day, and thereupon some of the * Ministers there (and in other places) who needed no spurs to so devout a worke,) openly and by name rayled sundry times in their Sermons against Mr. *Prynne*, Mr. *Burton* and Dr. *Bastwick*, and the visitors of Mr. *Prynne*, calling them *Schismatickes*, *Rebels*, *Traytours*, *factious and seditious Persons*, *worse then any Priests or Iesuites*, *Rogues*, *Rascalls*, *Witches*, and comparing them to *Corah*, *Dathan* and *Abiram*; stretching their wits upon the tenterhookes to out-vie one another in rayling against them, to indeare themselves in the Prelates favours, and to make their libellous Pasquils a Stirrop to mount up to preferment, as * some of them were not ashamed to confesse.

Ducker, *Cordwell* and others; *Heylin*, *Squire*, and hundreds elsewhere.

* *Cordwell* and his brother.

After this, the Bishop and his Chancellour sending for *Calvin Bruen*, with others of *Chester*, and getting all the names of those who visited Mr. *Prynne* there, sent a Catalogue of them to the High Commissioners at *Yorke*, by *Canterburies* direction; who forthwith sent out their Pursevants with warrants to apprehend, and bring them up to *Yorke*; which the Pursevants did accordingly, carrying them away in the beginning of their greatest faire, to spite and prejudice them the more. The Pursevants tooke foure pound a man of every one of them for their fees, when they came there, an oath *Ex Officio*, Articles upon Articles are administred to them, concerning their visiting of

Mr.

Mr. *Prynne* at *Chester*; which they confessing, they were for this sole offence, without any examination of witnesse, fined, some 500. some 300. some 250 l. imprisoned, and forced to enter Bond in 300. l. a peece, to stand to the further order of the Court, and to make such a publike acknowledgment of this great crime, both in the Cathedrall Church at *Chester* before the Congregation there, and likewise in the Towne Hall before the Maior, Aldermen and Citizens, as the Commissioners should prescribe them.

Hereupon an acknowledgement was drawne up, and the Pursevant sent downe to *Chester* to see it made; some of the parties, as Mr. *Lee*, and Mr. *Golbourne*, refused to make this wicked acknowledgment, whereupon their Bonds were estreated into the Exchequer as forfeited. Others through the Bishop of *Chesters* threats, and perswasions of the lawfulnesse of it, condescended to make it; two of them changing onely but one word of it, which they could not approve, saying *weakely* for *wickedly*, were enforced to make a new acknowledgement in the Church, or else the former would not be accepted by the Bishop and Commissioners. When the first of these acknowledgements was made in the Cathedrall by one Mr. *Inch*, and another, one *Cordwell* the Bishops Chaplaine preached a most invective Sermon against Mr. *Prynne*, Mr. *Burton*, Dr. *Bastwicke* and the *Chester* men, comparing them to *Corah*, *Dathan*, and *Abiram*, *and their complices*: which

Sermon

Sermon was sent up to *Canterbury* by *Cordwell*, who expected some great preferment for it, and solicited the Archbishop to have it printed. The next Sunday after, another Sermon on a text chosen for this occasion, was preached by Dr. *Snell* at the acknowledgement of *Calvin Bruen*, who used like invectives, though with more moderation.

The Copy of these acknowledgements, with the certificate of their performance under the Bishops and Maiors hands of *Chester*, I shall for the dignitie and rarity thereof, present unto your aspect, being such as no age can sampler.

A true Copie of the acknowledgement of *Calvin Bruen*, in the Cathedrall Church of *Chester*, and the Common Hall thereof, as followeth.

A *Declaration* or *Acknowledgement* appointed by his *Majesties Commissioners for causes Ecclesiasticall within the Diocesse and Province of Yorke*, to be done and performed by *Calvin Bruen* of the Citie of *Chester*, and *Province of Yorke*.

He is to be present in the Cathedrall Church of Chester aforesaid, at morning prayer on Sunday next comming, being the 10. *of December instant (being in his accustomed Apparrell) where and when immediatly*

diatly before the beginning of the Sermon, he shall stand before some seate or stoole before the Pulpit, and say and recite after the Minister as followeth.

Whereas I have beene of late convented before his Majesties Commissioners for causes Ecclesiasticall for the Diocesse and Province of Yorke, for that I countenanced, and comforted, and abetted one William Prynne, *heretofore twice censured in his Majesties Court of* Starchamber, *for publishing sedicious and scandalous Bookes and Libells: namely, in that I* waited upon him to bring him into this City, and attended upon him at his going from the Citie, by all which my carriage and misdemeanours, I have audaciously and wickedly (as much as in me did lye) countenanced the sayd Prynne, and offered an affront to his Majestie and the State, in their just proceedings against him; and thereby also have brought a scandall and reproach upon this Citie; for all which my offences upon my personall answers made to the Articles in that behalfe objected against me, I stand legally and justly convicted and censured by his Majesties said Commissioners, and am by them enjoyned to make this Declaration and Acknowledgment for the same: I doe here in the presence of God and this Congregation, * confesse my sayd offences, and declare my hearty sorrow for the same, and doe aske forgiveneſſe of God, the Church, the Kings Maje-*

* This he denyed upon oath, for hee met him onely casually, and rode into the City before him, yet this those ungodly Commissioners enjoyned him to acknowledge directly contrary to his oath and the truth.

* Those that visited S. *Paul* in his journey as a Prisoner towards *Rome*, and went forth to meet him as far as *Appii Forum*, Acts 28. 14, 15. had no such acknowledgment enjoyned them by *Nero*: Nor yet those to whom Christ shall say; *Come ye blessed of my Father, &c. I was in prison and yee visited me*, Matth. 25. 34. 36. Which Text these uncharitable High Commissioners and Prelates had forgotten, and so shall receive the doome of, *Goe yee cursed into everlasting fire prepared for the divell and his Angels; for I was in prison and yee visited me not*, Matth. 25. 41. 43. if they repent not.

stie and the State, as also of the whole Government, both Ecclesiasticall and temporall of this place, against all whom I have so grievously offended: and in token this my confession for the present is hearty, and that I may obtaine grace hereafter to performe what I now promise, and find mercy for what is past, I desire you all to say with me the Lords prayer. Our Father, &c.

And he is injoyned by the authoritie aforesaid, to performe the like acknowledgement in the Common-Hall of the Citie of Chester before the Maior, Aldermen, and other Officers and Citizens of the same Citie, at a publike meeting or Assembly, by them the said Maior and Aldermen to be appointed.

And lastly of the due performance hereof, he is to bring a certificate to his Majesties said Commissioners, at the Manner house of the most reverend Father in God the Lord Archbishop of Yorke his Grace, situate at Bishop-thrope neare the Citie of Yorke, upon Thursday next after the feast of St. Hillery the Bishop, next comming, betweene the hours of one and three of the clocke in the afternoone the same day, together with these presents.

Rich. Ebor. Ph. Hudson.
Geo. Stanhope. Ioh. Mensheim.
W. Easdall.

Concordat enim decreto curiæ } LVPTON.

The

The Bishop of *Chesters* Certificat of the performance of this acknowledgement.

THis Order of pennance was accordingly performed by *Calvin Bruen* in the Cathedrall Church of *Chester*, who spake it *Verbatim* aloud after the Preacher Dr. *Snell*, Archdeacon of *Chester*, upon Sunday the 17. day of *December*, 1637. A Text being * selected for this occasion, *Matth.* 18. 17. whereupon he tooke occasion, *both to shew the foulenesse of those seditious persons offences, and the great mercy of the King in sparing their lives, as also the danger which these countenancers and offenders had runne into, being by the * Law liable to the like punishments, if mercy had not conveyted them before the Church, but before the Temporall Iudges at the Kings Bench*; the penitent *Bruen* himselfe * acknowledged now as much.

* How doe Prelates and their Agents wrest the Scriptures, to justifie their ungodly proceedings?

* The Dr. was mistaken in the Law; it being no capitall offence by Law or Gospel, but a commendable charitable Act to visit Prisoners.

* You forced or feined him to do it.

Coram Jo. Cestrien.

THis declaration and order of Pennance herein mentioned, was performed by the within named * Calvin Bruen *before us the Maior, Recorder, Aldermen and Common counsell, with divers Citizens of the said Citie, at an Assembly and generall meeting by us appointed in the Common Hall upon Tuseday the* 12. *day of this instant December*, 1637.

* The Parliament hath now voted him good damages for his injustice.

Tho. Throppe Maior. Edward Whitby. Charles Wally.
Tho. Smith. William Gamull. Wil. Edwards.
Richard Litler, *Clerke of the peace of the City of Chester.*

These proceedings against the *Chester* men for visiting Mr. *Prynne* were so fierce and formidable, (the Pursevants ransacking and breaking up their houses,) that two of their wives with the very fright miscaried of their children, and never enjoyed their health since; others of them were forced to fly the country, their friends and kindred not daring to harbour them: others of them were quite ruined in their estates and trades; others inforced to purchase their peace of the Archbishop by bribes * to him and his servants, and great summes of money were payd and secured for composition for these fines; yea their malice was so great, that they persecuted some in the High Commission, who never saw Mr. *Prynnes* face under pretext they had visited him; and the Host in whose common Inne he there lodged, for entertayning him in his house as a guest, paying for all he there expended. Such was the tyranny, such the injustice of these holy Prelates and Commissioners, who ever moved as the *Primum mobile* of *Canterbury* steared their course, and the * Bishop of *Chester* gave them information from this Delphian Oracle.

* Two Buts of Sack which cost 48. pound the Bishop had for his share.

* As appears by divers most malicious and mischievous letters under his hand & seale to the Archbishop of *Yorke*, against the *Chester* men, and Mr. *Bostocke*, who suffered much in this case by his meanes.

But shall Mr. *Prynne* scape scotfree, whiles his friends thus suffer for his sake? No I warrant you: The High Commissioners in their censures of his visiters, vomited out their Gall against him in satyricall invectives; and Dr. *Wickam*, Deane of *Yorke*, striving to exceede his Colleagues in dogged eloquence, did at their censure in open

Court

Court *Novem.* 15. 1637, use these words of him. *See the impudence of Prynne, that walkes in the streets of Chester to buy Hangings for his Chamber, whereas he should have covered his face with the Leper, and cryed, I am uncleane, I am uncleane. He deserved to have lost his necke for his* * *Perpetuity: and had he not had a gracious Prince, his hangings had beene provided at London. But to leave that miscreant, for I know not what to call him, &c.* And these Commissioners hearing that there were Pictures of Mr. *Prynnes* portraiture in *Chester*, persecuted the poore Painter (whom they oft examined upon oath) for drawing them, and then made two Orders in Court, first to deface, and then to burne them publikely at the Crosse in *Chester*. The Copies of which Orders and of the Chancellour of *Chesters* Letters in answer to them, expressing the manner how they were executed, I shall here annex.

* A booke he writ against the *Arminians*, licensed for the Presse by Dr. *Featly*.

The High Commissioners Warrant to Dr. *Mainwaring* for defacing the Pictures of *William Prynne*, which Dr. had seised on the Pictures before this Order.

VVHereas it was credibly informed unto us & other our Colleagues his Majesties Commissioners for causes Ecclesiasticall within the Dioceese and Province of *Yorke*, that there are remaining in your Custody and keeping foure Pictures, of the Portrature of *William Prynne*, whereupon wee or our Colleagues his Majesties said Commissionours did decree that notice or direction

rection should be given unto you for the defacing of the said Pictures. These are therefore in the Kings Majesties name, and by * vertue of his High Commission for causes Ecclesiasticall within the Diocesse and Province of *Yorke* to us and others directed (as aforesaid,) to will and require you, that upon receite hereof, you spoyle and deface, or else cause to be spoyled or defaced the aforesaid Pictures; the which being done you deliver or cause to be delivered to *Thomas Pulford* of the Citie of *Chester* Limmer, or to his use, the frames of the said Pictures, and this shall be your sufficient warrant and discharge in that behalfe: given under our hands the 10. day of *November*, *Anno Dom.* 1637.

* Which certainly extended not to warrant this action.

Rich. Ebor. *G. Stanhope.*
W. Easdall.

To the right worshipfull Edmund Mainwaring *Doctor of Lawes, Vicar Generall, and Officiall principall to the reverend Father in God,* John *Lord Bishop of* Chester.

What this Dr. did upon this Warrant, his letter to the Archbishop of *Yorke*, under his owne hand and seale will informe you.

To the most reverend Father in God His singular good Lord, *the Lord Archbishop of Yorke* his * Grace, Primate of *England* and Metropolitan, and one of his Majesties most Honorable Privy Councell.

* There was little grace in these proceedings.

Most Reverend my humble duty presented.

May it please your Grace to be advertised, that upon the late receite of your commands, I caused the Pictures

Pictures of the portrature of William Prynne *(being five in number) to be defaced before my Lord* of* Chester, *and in the presence of a publike notarie; since which time my Lord of* Chester *hath received intimation, that it is your graces pleasure that the said Pictures should be publikely burned. I am* sorry that my zeale and duty to obedience hath anticipated your late resolutions; But I have the Frames still in my custody, and shall (in all humblenesse of duty) be most ready to dispose of them as I shall be commanded. Thus hoping of your Graces favourable censure, I humbly take my leave and shall rest,*

* A cheese actour in this Tragedy, and one able to render good damages for this good service.

* Alas good man that you should have such a cause of sorrow.

Chester the 15. of *Novem.* 1637.

Your Graces in all duty to be commanded

W. MAINVVARING.

These High Commissioners not satisfied with the defacing of these Pictures, would needs proceede to burne them for Heretickes; and since they could not burne Mr. *Prynne* in person, as they desired, being then on the Sea sayling towards *Iersy*: they would doe it at least by Effigie, and to shew the extravagancy of their unlimited malice, not onely the Pictures, but the very Frames wherein they stood (poore innocents) must to the fire, for which they issue forth this Order.

The

The Warrant for burning Mr. *Prynnes Pictures.*

WHereas we or others our Colleagues his Majesties Commissioners for causes Ecclesiasticall, within the Diocesse and Province of *Yorke* (by our Order or decree interposed in that behalfe) and by our Warrant thereupon to you directed, did order and appoint that whereas there were certaine Pictures of the Portraiture of *William Prynne* remaining in your custody, that the same Pictures should be defaced, and the frames thereof delivered to *Thomas Pulford* Painter, who drew the said Pictures, or to his use: we notwithstanding upon more * mature consideration, have againe ordered and decreed, that the aforesaid Pictures be not onely spoyled and defaced, but the frames thereof burnt in some publike place, or streete within the Citie of *Chester*, by you to be appointed. These are therefore in the Kings * Majesties name, and by vertue of his Highnesse Commission, for causes Ecclesiasticall within the Province of *Yorke*, to us and others directed as aforesaid, to will and require you forthwith upon receite hereof, to burne or cause to bee burnt all the said frames in the said streets of *Chester*, or such places as you shall thinke fit; and this shall be your *sufficient Warrant and discharge in that behalfe; Given under our hands the fourth day of *Decem. An. Dom.* 1637.

Rich. Ebor.

To the Right Worshipfull Edmund Mainwaring *Doctor of Lawes, Chancellour to the Right Reverend Father in God,* Iohn *Lord Bishop of* Chester.

Ph. Hodson.
Geo. Stanhopp.
H. Wickham.
W. Easdall.

Concordat cum decreto curiæ } LVPTON.

* It seemes there was much counsell taken to effect this notable exploit. I dare say *Canterburie Oracle* was consulted withall, ere this was decreed.

* You may be ashamed thus to abuse his Majesties name and authority.

* I doubt it will scarse be sufficient to free the Dr. from damages, when sued by Mr. *Prynne.*

What

What execution was done upon this Warrant, this Chancellours letter, by way of certificate to the Prelate of *Yorke*, will best informe.

To the most Reverend Father in God the Lord *Archbishop of Yorke his Grace*; Primate of *England* and Metropolitan, and one of his Majesties most Honorable Privy Councell, and the rest of his Majesties Commissioners for causes Ecclesiasticall at *Yorke*:

Most Reverend,

THese are in all humblenesse to certifie your Grace, and the rest of his Majesties Commissioners, for causes Ecclesiasticall within the Province of Yorke, *that upon Tuesday last, being the* 12. *day of this instant* December, *I delivered the five frames, containing of late the Portraiture of* Prynnes *Pictures to* * *Mr. Blancherd, who caused the same to bee publikely burnt at the High Crosse in* Chester, *in the presence of the Maior, Aldermen and other Citizens, and Persons, to the number of a* 1000. *as was conceived, according to the Tenour of your late Warrant; which was performed with the publike acclamation of the people, crying out,* Burne them, burne them: *Thereby attesting the hatred of* Prynnes *person, and his proceedings: In testimony whereof I have hereunto subscribed my name, the* 13. *day of* December *this present yeare of our Lord,* 1637.

* Pursevant to the high Commission at *Yorke*.

* The Pursevant standing there in his Coat of Armes bid them cry thus in the Kings name, and commanded the Maior and Aldermen to be present at this Bonfire.

Your Graces humble servant,

Ed. Mainwaring.

I cannot here omit one memorable Act of this Bishop of *Chester*, so zealous against Mr. *Prynne* and his *Chester* Friends that visited him. One Mrs. *Hauton* of *Grimsor* in *Lancashire* a Popish recusant, hearing of Dr. *Bastwicks*, Mr. *Burtons* and Mr *Prynnes* sufferings (with which the Roman Catholikes were overjoyed) having three Cats, set them on a kind of Pillory, where she cut of all their eares, and seared one of them in the cheekes, and then called them by the names of *Bastwick Burton* and *Prynne*, to the great offence of many. One Mr. *Fogge* a grave Minister neare, certified this Prelate of it being within his Dioceese, desiring him twice or thrice to take some order for the questioning and punishing this audacious Recusant for this strange fact, which tended to the derision of justice, and the disgrace of those of our Religion: But he, good Prelate, instead of questioning the delinquents, checkes the informer for a busie fellow, and in liew of reformation falls to imitation of this Papist, hee and his servants ordinary calling a crop-eared Horse of his by the name of *Prynne*. I feare this Horse had more charitie then his Lord and Master the Bishop, and that if he be yet alive, his very name if he want a voyce, will be sufficient * *to rebuke* the malice and *madnesse of this Balaam, covetous* and *false Prophet*, who durst, by way of scorne, christen an irrationall Beast, with the name of a better Christian than himselfe, *and curse those Saints whom God hath blessed* (yea honored in despite of

* 2 Pet. 2. 15. 16.

all

all the Prelats tyranny, calumnies, oppositions and aspersions) which * *Balaam himselfe refused to doe.* Num. 23. 12. 13. 20. 23. 25. 26.

The meanes and manner of Mr. *Burtons*, Mr. *Prynnes* and Dr. *Bastwicks*, returnes from exile.

YOu have seene already the manner and time of Dr. *Bastwicks*, Mr. *Burtons*, and Mr. *Prynnes* banishments and close imprisonments in three remote *Isles* and *Castles*, and how two of their wives, and all their kindred and friends were debarred accesse unto them by the Lords Orders. Mistris *Bastwick* and Mistris *Burton* like two solitary Widdowes thus forcibly divorsed from the Company of their deare husbands, oft petitioned both to his Majestie and the Lords, for liberty to visit them, or to reside in the Isles where they were shut up (like dead men in their sepulchres) under Lockes, Bolts, Keyes and Guards, or if this might not be granted; that they might have so much favour, as to be shut up close Prisoners with them. But the Arch-Prelate of Canterbury, out of the transcendency of his malicious power, dealt so both with his Majestie and the Lords, that their Petitions were still rejected with a negative answer: and fearing least the *Queenes* Majestie (out

of a tender commiseration of those of her owne Sex, thus wrongfully seperated from their owne Yoke-fellowes, without any default of theirs) might be moved to interceed to the King in their behalfe, for accesse to their solitary exiled husbands; hee so farre prevailed with her *Highnesse*, (if I be not misinformed) as to procure a promise from (if not a command to) her Majestie, not once to move the King for any of these two prisoners or their wives, or for Mr. *Prynne*, nor to intermeddle in their businesse. And whereas his *Majesty*, by way of explanation of the Lords Order of the 27. of *August*, made at *Oatlands*, upon the motion of Sir *Thomas Iermin* in Mr. *Prynnes* behalfe, was pleased to signifie, that Mr. *Prynne* should have liberty to goe to Church, and receive the Sacrament within the Castle of *Mountorgueil*, and to walke with his Keeper privately in the walkes or Gardens there, and that hee might read all such bookes as were allowed. The *Archbishop* hearing of this explanation, was so* enraged, that he sent a messenger for one Mr. *Hungerford*, who was imployed in procuring it, to appeare before the Lords at *Oatlands*; charging him to have forged this explanation, onely because the King had not first acquainted him therewith before it was granted: where appearing, the Arch-Bishop tooke him up sharpely, for forging this explanation; but he affirming, that the Governour (Sir *Thomas Iermyn*) hath procured it, and that he had it under his hand in writing, and the

*Yet this malicious man in his Epistle to the King before his relation of his conference with *Fisher*, published about this time, to bleare the world; writes, *that he humbly beseeched God to forgive these three bitter men*, whom he then kept exiled and used with all bitternesse.

Earle

Earle of *Dorset* atteſting as much; he was ordered to ſhew the originall explanation to Sir *Dudley Carlton* under the governours hand, which hee did, and ſo the Prelate (unable to reverſe it) was forced to let it paſſe againſt his good will.

It pleaſed God, not long after this, beyond the Prelates expectation, to bring a Parliament together; to which theſe Priſoners wives and friends intended to ſue, for their reliefe and enlargement. But that Parliament proving abortive, and breaking up ſuddenly in diſcontent by the Prelates machinations, before any Petitions preferred on their behalfe, they ſtill remained hopeleſſe of all humain deliverance. But the great Moderator of the Vniverſe miraculouſly turning all theſe Prelats pernicious deſignes againſt our State and Church upon themſelves, and fettering them in the ſnares they had laid to intrap others, contrary to their elevated hopes and thoughts, unexpectedly cauſed and ſummoned this ſecond Parliament; to the ineffable happineſſe both of the preſent and future ages: which no ſooner aſſembled together, but Miſtris *Baſtwick*, Miſtris *Burton*, and a friend of Mr. *Prynnes*, exhibited ſeverall petitions to the houſe of Commons, that they might be all ſent for out of hand to proſecute their grievances and complaints before them, againſt their unjuſt cenſures; which petitions were very cordially received and readily granted by the Commons houſe, and ſeverall Orders made upon them for the reducing of theſe cloſe impriſoned Exiles, from their long

vitie. The Coppy of one of these Orders, followeth in these termes.

The House of Commons Order, and Mr. Speakers Warrant thereon.

IT is Ordered this day by the Commons House of Parliament, that a Warrant shall issue forth under Mr. Speakers hand, directed to the Governour or Captaine of Castle Cornet *in the Isle of* Garnsey, *or any others whom it may concerne. Thereby requiring and charging them and every of them forthwith to send up to the said House of Commons in safe custody,* Mr. Henry Burton *now close prisoner, in the said Castle Cornet in the said Isle of Garnesey, that he may before them prosecute his complaints, according to a Petition this day delivered to this house by* Mistris Sara Burton *his wife. And withall to require them whom it may Concerne, to certifie to the house, by what Warrant and authoritie he is there deteyned close prisoner. And hereof you are not to faile as you will answer the contrary. And for your so doing this shall be your Warrant. Dated this present 7. day of* November. *Anno Regis* Caroli *decimo sexto, Annoq; Dom.* 1640.

William Lenthall Speaker.

To the Governour, Captaine, Lieutenant and Keeper of Castle Cornet in the Isle of Gurnesey, or any others in whose Custody the above named Mr. Henry Burton *now is.*

This Warrant arrived at *Garnesey Castle* the 15. day of the same *November*, being the very day of the Moneth that Mr. *Burton* first landed there as a prisoner, and on the 17. day of this moneth, Mr. *Prynne* (who arrived at *Iersey* the 17. of *Ianuary* 1637) received the tidings of a like warrant at *Mountorgueil* Castle there, for his inlargement and returne thence: who departing by boate from thence on the 19. day of the same *November* early in the morning, met with Mr. *Burton* at *Gernesey*, and dined with him there the same day: whence both of them the 21. of same moneth, setting saile together in one Barke (formerly hired at *Hampton* by their friends who brought the Warrants) the next day (being the Lords day) about nine of the clocke at night they both safely landed at *Dartmouth* in *Devonshire*, the wind not serving to carry them to *Southampton*; from whence they departing on Horsebacke the next day towards *London*, safely arrived there on Saturday following (being the 28. of *November*) to the great joy of all good people. In their passage to *London*, divers of their friends (at *Dartmouth*, *Exeter*, *Lime*, *Dorchester*, *Salisbury*, *Andover*, *Basing*, and elsewhere) visited, and accompanied them on Horsebacke some part of their way. About three miles beyond *Eggham*, Mistris *Burton*, with about a hundred and fiftie more of their friends from *London*, met them, some in Coaches, some on horseback, and supped with them at *Eggham*, where they lodged the Friday night. The next morning early,

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multitudes of their friends from *London* and elsewhere, met them at *Stanes*, and came flocking into them afresh every foote, till they came to *Brainford*, where they dined: all the way from *Stanes* to *Brainford* was very full of people which came to meete and welcome them into *England*, some in Coaches, others on Horsebacke, others on foote. After dinner they tooke Horse for *London*, riding both together; but the way betweene *Brainford* and *London*, though broad, was so full of Coaches, Horses, and people to congratulate their returne, that they were forced to make stoppes, and could not ride scarce one mile an houre, so that it was almost night ere they came to *Charing Crosse*, where they encountred such a world of people in the streets, that they could hardly passe them, the Citie Marshall when they came into the *Old Baily*, being forced to make way for them with his horse Troope: the croud of people was so great that they were neare three houres in passing from *Charing Crosse* to their lodgings in the Citie, having Torches caryed to light them, when it grew darke. The people were so extraordinarily joyfull of their returne, that they rang the Bells in most places they passed, for joy; ran to salute and shake them by the hands, crying out with one Vnanimous shout, *Welcome home, welcome home, God blesse you, God blesse you; God bee thanked for your returne*, and the like; yea, they strewed the wayes where they rode with hearbs and flowers, and running to their Gardens, brought *Rosemary*

and

and *Bayes* thence, which they gave to them and the company that rode with them into *London*; who were estimated to be about a 100. Coaches (many of them having six horses a peece,) and at least 2000. Horse, those on foote being innumerable. The day they came from *Eggam* into *London*, the sunne arose most gloriously upon them soone after they came out of their Inne, without any cloud, (which they both observed) and so continued shining all the day, without interposition of any obstacle to ecclipse its Rayes, so as Heaven and Earth conspired together to smile upon them, and to congratulate their safe returnes from their Bonds and Exiles. On Munday morning following, (being the 30. of *November*) they were both presented by their Keepers who came with them, to the Commons house, into which they were called, Mr. *Prynne* first, and then Mr. *Burton*; where they had liberty granted to frame new Petitions in their owne names according to their owne liking, and to present them to the house as soone as they could prepare them. Mr. *Prynne* on the third of *December* presented his Petition in the Commons house, which was read, and hee called in to avow it. And thereupon the same day a speciall Committee consisting of 60. members of the House, were ordered to heare Mr. *Prynnes* Petition and Mr. *Burtons* (preferred two dayes after) together with Mr. *Prynnes* Mans and the *Chester* mens Petitions, who were, censured in the High Commission at

Yorke for visiting Mr. *Prynne* in his passage to *Carnarvan*; which Committee was further ordered, *to receive all Petitions of like nature, and to examine the Iurisdiction and abuses of the Star. Chamber, the High Commission, and Councell Table.* This Committee met the same day after dinner in the *Star Chamber* Court, (the place where these Petitioners were censured) and making choise of Mr. *Alexander Rigby* of *Grayes Inne* for their Cheireman, they proceeded on in the hearing of Mr. *Prynnes* Petition first, and next of Mr *Burtons*: A true Coppy of whose Petitions, and like wise of Dr. *Bastwickes*, you shall here receive together.

TO

TO THE

HONOVRABLE,

The Knights, Citizens, and Burgesses of the Commons House of *Parliament.*

The humble Petition of William Prynne, *late exile, and close Prisoner in the* Isle of *Iersey.*

In all humblenesse sheweth,

THAT *your Petitioner, though not conscious to himselfe* of any voluntary or apparant offence against the Lawes of the Realme (to which hee ever studied to conforme himselfe) through the malicious practices and prosecutions of some *Prelates and Church men,* (especially the now *Arch Bishop of Canterbury,* and *Peter Heylin,* Doctor in Divinitie) whose errours and Innovations, contrary to the Doctrine and Discipline of the Church of *England,* and extravagancies in the High Commission, and other Ecclesiasticall Courts, your

Petitioner (for his owne relieſe, being there unjuſtly proſecuted) had to his weake power oppugned; hath within eight yeares laſt paſt, undergone two heavy Cenſures in the Starre-Chamber Court.

The firſt upon an Information there exhibited againſt your Petitioner, by Mr. *Noy*, deceaſed, then Attourney Generall, for ſome miſconſtrued paſſages, (inoffenſive in themſelves, and in your Petioners true intention, being for the moſt part the words of other approved Authors,) compriſed in a Booke, ſtiled *Hiſtriomaſtix*, written by the Petitioner, againſt common Interludes, and licenſed for the preſſe by Mr. *Thomas Buckner*, houſhould Chaplaine to the then Arch-Biſhop of *Canterbury*, authorized by the State to licenſe Bookes, and by him exactly peruſed, and approved both in the written and printed Copy, before its publication, and ſo confeſſed in the Information; for which authorized Booke and paſſages, your Petitioner, before the hearing of the cauſe, was not onely impriſoned in the Tower of *London* without Baile or Mainpriſe, for a whole yeares ſpace, denyed acceſſe to his Councell, convenient time to examine witneſſes, and make Breviats to inſtruct his Counſell (the information being Generall, and reciting no particular Clauſes of the Booke excepted againſt) his exhibits, (the onely meanes of his defence,) illegally ſuppreſſed: ſome of his Counſell Tampered with to make no juſtification, contrary to your Petitioners

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tioners instructions, and desire, whereby his cause miscarried: but also at the hearing, by reason of those malicious and perverse glosses on the said passages, which the said* *Heylin* had collected and presented to his Majesties learned Counsell, (who repeated his Instructions onely) your Petitioner *was fined* 5000, *pounds to his Majesty, expelled the Universitie of* Oxford, *and* Lincolnes Inne, *degraded, put from his profession of the Law, wherein he never offended, Set in the Pillory in the* * Pallace-yard *at* Westminster, *where he lost one of his Eares, and three dayes after on the Pillory in* * Cheapside, *where hee lost the other Eare, and had his said Lycensed Bookes there publikely burnt before his face by the* Hang man, *in a most disgracefull manner, and was adjudged after all this to remaine a prisoner during his life.*

* Who now durst not avow his collections before the Committee.

* On Wednesday the seventh of *May*, 1617.
* On Saturday the 10. of *May*.

That after the said censure to defame and injure your Petitioner the more, hee was charged wrongfully in the Decree, as censured for perjury, though not taxed for it by the Court: and betweene his suffrings in the Pillory, the Bookes of his Studie (twice surveyed, and restored to him by order from the Lords) before any fine estreated, by a warrant out of the High Commission, signed by the sayd Arch-Bishop and others, were seised on by *Crosse* a messenger, who carried them to his house; with which warrant your Petitioner not long after charging the said Arch-Bishop upon occasion, in the open Court of Star-chamber; hee there publikely

disavowed the same (though your Petitioner can yet produce it under his owne hand,) promising withall, that the Bookes should bee restored forthwith; which notwithstanding were all still detained by his meanes, till they were extended and sold for your Petitioners Fine: Who shortly after, by an indirect Order procured out of the said Court, sent to the Tower to bee executed, was shut up close prisoner, and *Doctor Reeves* sent thither to search his Chamber for a Pamphlet, which the said Arch-Bishop would wrongfully have Fathered upon your Petitioner, whose friends have beene unjustly prosecuted in the Exchequer, and elsewhere, sundry yeares, for his Fine aforesaid.

And your Petitioner further saith, that about *Easter* was three yeares, during his imprisonment in the Tower, by meanes of the said Arch-Bishop, a new Information was exhibited into the sayd Court against your Petitioner, and others, with certaine Bookes thereto annexed: *Denying the Prelats Iurisdiction over other Ministers, to be Iure-divino. Charging them with many errours and innovations in Religion, Vsurpation upon his Majesties Prerogative, & the Subjects libertie, abuses, and extortions in the High Commission, and other Ecclesiasticall Courts, suppressing Preaching and painefull Ministers without cause; Lycensing Popish, Arminian, and other Erronious Bookes against the Sabbath, setting up Altars, Images and Crucifixes; Removing, and Rayling in Communion Tables,*

bles, and Bowing downe to them; Altering the Booke of Common Prayer, the Bookes for the Gunpouder Treason, and late Fast, in some Materiall passages in favour of Popery and Papists. Which things (though very notorious, and oft complained against by this Honorable house, in former and late Parliaments) were yet reputed Scandalous. And though neither of the said Bookes was particularly charged on your Petitioner, in the said Information, nor any witnesse produced to prove him either Author, or dispersér of any of them; yet by denying your Petitioner liberty to draw up his owne Answer (though once a Barrister at Law) when as his assigned Counsell refused to doe it; by close imprisoning your Petitioner, and his Servant; by debarring him Pen, Inke and Paper; whereby to Answer, or instruct his Counsell; seaching his Chamber, and taking away part of his Answer there found, denying him Accesse to his Counsell, and conference with his Co-defendants, even at Counsell, though joyntly charged with him; Rejecting the Crosse Bill exhibited by him for his defence; threatning Mr. *Holt*, one of your Petitioners assigned Counsell, sent by the then Lord Keeper to the Tower, to draw up your Petitioners Answer, and commanding him not to signe it, after it was engrossed: (whereupon hee refused to subscribe it, contrary to his promise to your Petitioner;) and by refusing to accept your Petitioners Answers to the said Information, signed with his owne, and Master *Tomlins*, (another

ther of his Counceils) hands, through tendred by your Petitioner, both at the Star-chamber Office, and in the open Court at the hearing: the said Information, for a supposed default of Answer, (though two Answers were thereto tendred by your Petitioner) was taken *Pro confesso* against your Petitioner, and he thereupon *Fined five thousand pounds to his Majestie, Pillored, Stigmatized on both cheekes, Mutilated and dismembred, in a most barbarous manner, and the small remainder of his Eares, left after his first execution, cut off, to the hazard of his hearing, and life, and adjudged to perpetuall close imprisonment in the Goale of* Carnarvan Castle *in* North-Wales, *a Nasty Dog hole, farre remote from your Petitioners Friends.* Which sentence was unduely drawne up and executed upon your Petitioner, (as his Attourneyes Cleark informed him) before it was entred into the Booke, or your Petitioner could get any copie of it, to except against the same, as hee had just cause.

That immediatly after the Execution of the same sentence, your Petitioner sent to the sayd Arch-Bishop to desire him to release, or Baile his servant (who was detained close prisoner for ten weekes space in the messengers hands, and oft examined and solicited by faire promises, and threatnings causlessely to accuse your Petitioner, against whom they wanted evidence) that so hee might attend him during his soares, which the said Archbishop out of his *Grace* and *Charity*, utterly

terly refused: saying, *that he intended to proceede against his said servant in the High Commission*; where hee hath ever since vexed, censured, and banded him from Prison to Prison, onely for refusing to accuse and betray your Petitioner.

That after the said heavie sentence, your Petitioner by an order in the said Court, (by way of addition to the said censure,) *was inhibited the use of Pen, Inke, and Paper, and all Bookes, except the Bible, and the Booke of Common Prayer, and some Bookes for private Devotion*; and before his wounds were perfectly cured, hee was by order removed from the Tower to *Carnarvan*; and some of his friends in *Chester*, who visited him there in his passage, in the presence of his Conductors, who had no order to restraine any person from resorting to him, were for this very cause sent for by a Messenger, to appeare before the Lords of the Privie Councell, and likewise cited into the High Commission at *Yorke*, where they were imprisoned, fined & forced to make a publike Recantation in the Cathedrall Church, and in the Towne-Hall of *Chester*: The said Commissioners further decreeing, that five pictures of your Petitioners found in *Chester*, should be publikely burnt at the high Crosse there; which was done accordingly.

That your Petitioner since his said sentence, hath beene publikely reviled at, and libelled against, both by the high Commissioners at *Yorke*,

and in sundry Churches, both at *Chester* and elsewhere, and in * diverse licensed printed bookes, compiled by the said *Heylen*, and published by the Arch-bishops privity or command, and that sundry of his friends houses and studies have beene violently broken up and ransacked, their Bookes and writings taken away, and themselves prosecuted in the high Commission, out of malice, for the relation they had to your Petitioner.

* A Moderate answer to *Henry Burton Antidotum Lincolniense, &c.*

That after your Petitioner had continued some ten weekes space close prisoner in *Carnarvan*, he was about three yeares since, by a warrant from the Lords of the Counsell, made in the summer vacation, (to which the said Arch-Bishops hand was first prescribed) ordered by way of Exile, to be imbarqued and transpoted with all privacy into one of the Castles in the *Isle* of *Ierſey*, and his conductors thereby charged, not to admit any person whatsoever, but themselves onely, to speake with your Petitioner in his passage: Whereupon, after some injuries there received by Mr. *Griffith*, the Kings Atturney in those parts (who endeavoured to seize upon the furniture of his chamber for his owne use) your Petitioner was imbarqued among Papists, in a bruised ship-wrackt vessell, full of * leakes, & after foureteene weekes voyage in the Winter season, through dangerous stormes and seas, which spoyled most of his stuffe, and bedding, and threatned often ship-wrack to him, he arrived at the said Isle,

*Since that cast away.

and

and was conveyed close prisoner into *Mount Orguile Castle* there; where the Lieutenant Governour by another extrajudiciall Order (to which the said Arch-Bishops name was first) was ordered, to keepe your Petitioner close prisoner in a chamber; to suffer none but his keepers to speake with him, to intercept all Letters to him; to permit him neither pen, Inke, nor paper, either to write to his friends for necessaries, or to petition for reliefe; and to permit him no Booke but the Bible, and those forenamed Bookes, without giving any order for his dyet there. So that being deprived of his calling, and estate; exiled and shut up close prisoner among strangers, remote from all his friends, (denyed all accesse to him by person or letters,) he had certainly perished in his almost three yeares close imprisonment there, had not the extraordinary providence and goodnesse of God (which hee shall ever adore,) and the noble charitie of those, under whose custody hee did remaine, furnished him with such dyet and necessaries, as preserved him both in health and life, in this his close imprisonment and exile.

May it therefore please this Honourable House, to take these your petitioners almost eight yeares tragicall grievances, (of new and dangerous example,) into your most sad and just considerations, that so they may not become presidents to the prejudice of posteri-

ty; to grant him liberty to send for, and examine all necessary witnesses: to order all Clerks, Registers, and other Officers of the Star-chamber, or elsewhere, speedily and freely to grant him the copies of such orders, decrees, and writings, as his cause shall require: to release him upon Baile, (being now but a prisoner onely upon an extrajudiciall order of the Lords, and not by Vertue of any sentence or decree in Court;) To grant him liberty to plead and prosecute his owne cause, since counsell hath so often failed him; and to give him such satisfaction and relefe, as the justice and equitie of his cause shall merit.

And your Petitioner shall ever pray, &c.

WILLIAM PRYNNE.

TO THE HONORABLE THE Knights, Citizens, and Burgesses, of the Commons House of Parliament.

The humble Petition of Henry Burton *late Exile, and close Prisoner in Castle-Cornet, in the Isle of* Garnsey.

In all humbleneſſe ſheweth,

THat whereas your Petitioner, on the 5. of *November* 1636. did preach two Sermons in his owne Pariſh Church, in St. *Matthew Friday-ſtreet London*, for the which hee was in *December* then next following, ſummoned to appeare before Dr. *Ducke*, one of the Commiſſioners for cauſes Eccleſiaſticall, at *Chiſwicke*, in the County of *Middleſex*: where (with the Regiſter of the High Commiſſion Court) the ſaid Dr. *Ducke* tendred to the Petitioner, the Oath *Ex Officio*, to anſwer to certaine Articles there preſented: which Oath the Petitioner refuſing to take, did then and there appeale from the ſaid Court, unto the Kings Majeſty: which appeale the ſaid Regiſter by Dr. *Ducks* direction, did then, and there enter in writing.

Notwithſtanding which ſaid appeale, a ſpeciall High Commiſſion Court, was ſhortly after called at *London*, conſiſting of foure or five Doctors, where the ſaid Commiſſioners proceeded illegally, to ſuſpend the Petitioner

in his absence; by meanes whereof, as of the threatnings of the said Commissioners, he was inforced to keepe his house, untill a Sergeant at Armes, with divers Pursevants, and other armed Officers, assisted by Alderman *Abell*, then Sheriffe of *London*, beset the Petitioners House, at 11. of the clocke at night, and violently broke open his dores, with Iron Crowes, and the like, and surprised him in his house, he making no resistance at all: where having first searched his study, and taking away such bookes as they pleased, they carried your Petitioner to prison; whence the next day (being the second of *February*) by a pretended order from the Lords of the Counsell, he was conveyed to the Fleet, and there kept close prisoner.

During which imprisonment, an information was exhibited against the Petitioner, and others, in his Majesties Court of Star-Chamber, whereby he was charged (*inter alia*) with the publishing of a certaine Booke, containing, *an Apologie for an Appeale*, with his said two Sermons, intituled, *God and the King*; wherein hee taught Subjects to yeeld all manner of due obedience to their lawfull King, and reproved all lawlesse Innovations in Religion, &c. To which Information, the Petitioner upon his Oath under the hand of *Mr. Holt*, being then of his Counsell, (assigned by speciall order from the said Court,) did put in his answer; wherein hee alledged such things onely, as his said Counsell conceived to bee materiall, and pertinent for his just defence in publishing the said Booke, but denyed all other matters in the said Information contained; which Answer, being admitted and received in Court, the Petitioner (being then a close prisoner) not onely attended the exhibiting of Interrogatories, according to the custome of that Court, but withall, after some unusuall delay, did write unto the Kings Attourney to hasten them: but before the examiner came, the petitioner heard that his said answer was referred to Sir

John

John Bramston, Knight, Lord chiefe Iuſtice of the Kings Bench, and Sir *John Finch*, then chiefe Iuſtice of the Common-pleas, and was by them wholy expunged as impertinent and Scandalous (ſave onely the not guiltie) And the petitioner underſtanding the anſwer hee was to make to the Interrogatories was to bee reckned as a part of his anſwer, admitted in Court, but afterwards expunged as impertinent and Scandalous (as aforeſaid:) ſo as if hee ſhould then have anſwered the Interrogatories, hee ſhould thereby have aſſented to the ſayd act of the ſayd Iudges, and ſo to the condemnation of his cauſe before the hearing, whereby he ſhould have contradicted his former Oath, that his ſaid Anſwer was a true Anſwer, and ſo ſhould juſtly have brought himſelfe under the guilt of wilfull perjury, and his cauſe under juſt ſentence. For that very reaſon he held himſelfe not bound, (as hee conceived) to anſwer the Interrogatories, for that his ſaid anſwer was ſo expunged, and the (*Not guilty*) as the foot ſo aked to the head without the maine body (and that in the Iudges owne words) as the Petitioner could not in any ſort take or acknowledge it now for other then the Iudges owne anſwer, as may appeare upon Record in the ſame Court.

Nevertheleſſe, the Court taking the ſame information *Pro confeſſo*, and refuſing to admit a copy of the Petitioners own true anſwer, as alſo of his reaſons of not anſwering the Interrogatories, (both which at his Cenſure he tendred to the Court, deſiring they might be then and there publikely read) the 14. of *Iune*, 13. *Caroli Regis*, proceeded to cenſure; whereby your Petitioner was cenſured *in a Fine of* 5000. *li. to his Majeſty, To be deprived of his Eccleſiaſticall Benefice, degraded from his Miniſteriall function and degrees in the Vniverſity, and ordered to be ſet on the Pillory, where both his eares were to be cut off, confined to perpetuall cloſe impoiſonment in* Lancaſter *Caſtle, debarred the acceſſe of his wife or any other, to come to him, but onely his Keeper, and denyed the uſe of Penne, Inke, and paper.* All

which

which (except the Fine) was executed accordingly. And after his close imprisonment for twelve weekes in the common Goale in the said Castle, he was (by what extrajudiciall order he knowes not) transported by the conduct of one *Brian Burton* appointed by the High Sheriffe of *Lancaster*, (who used your Petitioner very basely and deceitfully, in that his transportation, which was in the Winter season through dangerous seas; to the apparent hazzard both of his health and life;) to the said Castle of *Garnsey*, where he hath remained a close prisoner and exile almost three whole yeares, his wife utterly prohibited, upon paine of imprisonment, to set her foote upon any part of the Iland, where she might but enquire how her husband did, contrary to the Lawes of God and the liberties of this Kingdome.

May it therefore please this Honorable House, to take the Petitioners sad cause into consideration, and for the better manifestation of his grievance in this cause, to assigne him for Counsell Master Serjeant *Atkins*, Ma. *Tomlins*, and Master *Gurdon*, to assist him in his cause; and to command, that hee may take out such copies *Gratis* out of the said severall Courts, as doe or may concerne his said cause.

And your Petitioner as in duty bound

shall daily pray for your prosperities,

HENRY BVRTON.

TO THE

HONOVRABLE,

The Knights, Citizens, and Burgesses of the Commons House of *Parliament.*

The humble Petition of Iohn Bastwicke, Doctor in Physicke, lately retained close Prisoner and exile, in the *Iland* of *Sylly.*

Most humbly sheweth,

THat your Petitioner having about six yeares since set out a Booke in Latine, called *Elenchus Religionis Papisticæ*, with an Addition thereunto called *Flagellum Pontificis, & Episcoporum Latialium*, being thereunto provoked by one *Richard Short*, a Papist that maintained the Popes supremacy, the Masse, and Papall Religion; In which Booke your Petitioner, (for preventing all misinterpretations, of his pious, and good intentions therein) in his Epistle to the Reader, fully declared himselfe, that your Petitioner meant nothing against such Bishops, as acknowledged their Authority from Kings and Emperours, yet becaus your Petitioner (the better to shew the Papall usurpation over other Princes) therein, onely maintained by way of Argument (as other Orthodox writers of that Subject usually have done) a paritie of the said Bishop of *Rome* and all other Bishops and Presbyters,

by the word of God, denying his and their supremacy over other Ministers, to be by Divine institution.

Thereupon a Pursevant by Authority from the high Commission Court, came into your Petitioners house, at *Colchester* in *Essex*, in his absence; And the said Pursevant, assisted with the then Bayliffes and Constables of *Colchester* aforesaid, Ransacked his said house, together with his Chests and Truncks, and with great violence broke open your Petitioners Study, which was in his Apothecaries house; and tooke and carried away divers of your Petitioners Bookes, Writings, Letters, and what else the Pursevant pleased, without making restitution of them to your Petitioner.

And then your Petitioner was prosecuted in the High Commission Court, principally for his said Booke, where after a long and chargable prosecution, he was the 12. of *February* 1634. *fined* 1000 *li. to the King, excommunicated, debarred to practice Physicke, (the chiefest meanes of his lively-hood;) his said Bookes ordered to be burnt; That hee should pay costs of suit, and be imprisoned till he should make a Recantation*; the which heavy censure was onely for the said Booke, wherein your Petitioner maintained the prerogative of a King against the Papacy; Whereas one *Thomas Chowney* of *Sussex*, lately wrote a Booke in maintenance of the Papall Religion, and in defence of the Church of *Rome*, and averres it to be a true Church, the which Booke is dedicated to the *Archbishop* of *Canterbury*, and was and is patronized and defended by the said *Archbishop*, and the said *Chowney* never troubled for it. At which censure declared as aforesaid; all the Bishops that were then present, denyed openly, *that they held their jurisdiction from his Majesty; and affirmed, that they had it from God onely*; and the *Archbishop* of *Canterbury*, among many other Erroneous sayings, uttered by him; maintained the said *Chowneys* Booke, *and that the Church of Rome was a true Church, and that it erred not in fundamentals*;

and

and he, and other the said Bishops there, defamed the holy Scriptures, & abused reverend Master *Calvin*. In regard whereof, and for the vindicating of your Petitioners innocency in the matters for which hee was most unjustly censured, as aforesaid, your Petitioner, published in Print, another Booke in Latine, intituled, *Apologeticus ad Præsules Anglicanos*, expressing the truth of the proceedings and speeches at his said censure. For which last mentioned Booke, and his Booke called the *Letany* (not then in Print) an information was exhibited against him and others in the Starre-chamber, to which your Petitioners answer being drawne and engrossed, was onely subscribed by himselfe, because he could get no counsell to set their hands to it; your Petitioner tendred the said answer first at the Star-chamber Office, and after in open Court at the Star-chamber Bar, but it would not be accepted for want of Counsellors hands to it, contrary to former Presidents. But the Court of Star-chamber tooke the said information *Pro confesso*, and censured *Your Petitioner* 5000 *li. fine to the King, to stand in the Pillory, and to loose both his eares, and to be close prisoner in* Lancester castle in Cornewall: all which hath beene executed upon him with great extremity, to the perill of his life. After all which extremity, your Petitioner (by what order hee knoweth not, it being no part of his censure in Star-chamber) was transported from the said Castle, *To the Island of Sylly*, a place so barren, that it affords not ordinary necessaries, where he hath beene in close duration for three yeares or more, and not suffered to have any of his friends come at him, his very Wife being prohibited by the Lords of the Counsels order, under paine of imprisonment, not to set her foote upon any part of the Island, to enquire of his welfare. So that your Petitioner hath beene exiled from his wife and divers small children 3. yeares and more, besides the great straights,

and miseries which hee hath sustained, during the said time. All which is contrary to the Law of God and man, and the Liberties of a free Subject, and to the utter undoing of your Petitioner, his Wife and Children.

May it therefore please this Honourable Assembly, to take these pressing grievances of your Petitioner into your considerations, and to afford him such relieſe therein, as in your grave Wisedomes shall seeme consonant to Iustice and equity; and to assigne him for Counsell, Sergeant *Atkins*, Master *Ludlow*, Master *Tomlins*, Master *Gurdon*, and Master *Randall*, to assist him in this his complaint; and to order, that your Petitioner may take out *Gratis*, such copies of the said Censures, Warrants and Orders, and other the proceedings, in the said severall Courts, as shall or may any way concerne this his sad, yet most just complaint, with warrant from this Honorable house, to bring in his witnesse.

And your Petitioner as in duty bound,

shall ever pray for your prospereties.

IOHN BASTVVICK.

Dr.

Dr. *Bastwicks* Warrant, by reason of the difficulty of passage, had not the like expedition as his Brethrens; the Messenger who carried it, arriving not in *Silly* till the 21. of *November*; where the Dr. being imbarqued the 27. of that moneth in one of the Kings Whelpes, with Captaine *Basset*, (who conducted him & had used him but hardly) he landed at *Dover* the fourth of *December*, and lodged that night at *Canterbury*, the next day being *Saturday*, he lodged at *Graves-end*, where resting the Lords day, his wife and children there met him, with divers of his friends; from whence he departing the Munday morning by land, was met and brought into *London* in like manner, and with like acclamations and testimonies of joy, and with almost as great a company as Mr. *Prynne* and Mr *Burton* were, who both went presently to his lodging to salute him, and supped with him at a friends house that same night.

Soone after, the Dr. appeared in and presented his petition to the Commons house, who referred his Petition to be examined and heard by the same Committee as his Brethrens Petitions were: who hearing all their Petitions and causes in order as they were preferred, the whole Committee unanimously (without one negative voyce) voted all the proceedings and sentences against them, both in the Star-chamber and High Commission, to bee contrary to the Lawes and liberty of the Subject; the sentences given against them to be reversed, as illegall and groundlesse; they to

be restored to their liberty, professions, degrees, and Mr. *Burton* to his Benefice in *Friday streete*, and to receive reparations and dammages for their censures and imprisonments, from the Iudges that sentenced, and those who had done them wrong.

Dr. *Bastwicks* cause though last heard, being the shortest, was first reported to the Commons house by Mr. *Rigby*, Mr. *Burtons* next, and Mr. *Prynnes* (first heard) last, because longest, and having other causes (as his servants and the *Chester* mens) depending on it. Upon their reports, the whole house of Commons unanimiously voted all the censures, proceedings, and orders against them, to be illegall, &c. as will appeare by the Votes themselves, the true Copies whereof here next ensue.

The Votes and Resolutions of the Commons house in the case of Dr. *Bastwick.*

Mr. Rigby *reports from the Committee for the High Commission Court and Star-chamber, the case of* Dr. Bastwick. *Upon report, it was*

Resolved upon the Question,

That the precept made by the Archbishop of *Canterbury* and other High Commissioners for causes Ecclesiasticall, within the Realme of *England*, for the apprehending of the Body of Dr. *Bastwick*, and for searching for and seizing of his bookes, and the making and issuing thereof, and likewise the Messengers act in searching

Dr.

Dr. *Bastwicks* House and Study, and searching and taking away of his bookes and papers, by that Precept, are against Law, and the libertie of the Subject.

Resolved upon the Question.

That the sentence given against Dr. *Bastwick* by the High Commissioners, and the proceeding whereupon that Sentence is grounded, and the execution of that sentence, are against Law; and that that Sentence is void, and that he ought to be restored to the exercise and practise of Phisicke. And that he ought to be discharged of his fine of 1000 li. and imprisonment, and to have reparations and recompence for his damage and losse susteyned by the foresaid proceeding, sentence and execution.

Resolved upon the Question,

That all those severall Commissioners of the High Commission Court, which voted against Dr. *Bastwick* in that Sentence pronounced against him, ought to give satisfaction to Dr. *Bastwick*.

Die Iovis 25. *of Febru.* 1640.

Mr. Rigby *proceeds in the Report of* Dr. Bastwicks *Case, and upon the Report, it was*

Resolved upon the Question,

That the proceedings against Dr. *Bastwick* in the Star-chamber, and the sentence of that Court against him, and the execution of that Sentence, are against the Law and libertie of the Subject; and that the Sentence ought to be reversed, and Dr. *Bastwick* discharged of the fine of 5000 li. and of his imprisonment, and to have reparations for the dammages susteyned by the foresaid proceedings, sentence and execution.

Resolved upon the Question.

That the Additionall Orders, and Warrants of the Councell Boord, concerning the Exile and transferring of Dr. *Bastwick* from the Castle of *Lancester* into the Isle of *Silly*, and his transferring thither, and his imprisonment there, are against the Law and libertie of the Subject,

ject, and that he ought to be discharged of that imprisonment, and to have reparation for his damages susteined thereby.

Present at the Sentence in the Star-chamber.

Lo. Keeper.	*E. of Dorset.*
Lo. Treasurer.	*E. of Bridgwater.*
Lo. Privy Seale.	*E. of Holland.*
L. Arch-B. of Canterbury.	*E. of Morton.*
L. Duke of Lenox.	*L. Vic. Wimbleton.*
L. Marquesse Hamelton.	*L. Cottington.*
Earle of Linsey.	*L Nuburgh.*
E. of Arundell and Surrey.	*S. Henry Vaine.*
E. of Pembrooke.	*S Thomas Iermyn.*

Secretary Cooke, Secretary Windebanke, Lord chiefe Iustice Brampston, L. chiefe Iustice Finch.

At the Court at Oatlands Auguſt 27. 1637. Present, the *Kings most Excellent Majestie.*

L. Arch-B. of Canterbury.	*E. of Dorset.*
L. Keeper.	*E. of Holland.*
L. Treasurer.	*L. Vic. Wimbleton.*
L. Duke of Lenox.	*Mr. Controller.*
L. Mar. Hamelton.	*M. Secretary Cooke.*
E. Marshall.	*M. Secretary Windebanke.*

These were present at the making of the Order for the transferring of Dr. *Bastwick*, *Burton* and *Prynne* into Exile, into severall Isles, &c.

Die Iovis 25. *Febru.* 1640.

Ordered that the debate of Dr. *Bastwicks* businesse be resumed immediatly after the House shall returne from the Conference.

Die Martis primo Martij 1640.

Resolved upon the Question.

That the Arch-Bishop of *Canterbury*, and all those that voted against Dr. *Bastwick* in the Star-chamber shall make satisfaction to Dr. *Bastwick* for his damages sustayned by that Sentence.

Ordered,

Ordered, that it be referred to the Committee for the jurisdiction of the Star-chamber, to prepare a Bill, and to present it to this house, and therein to consider, how far the Heires and Executors of such as are, or have beene in judiciall or ministeriall places since 1. *Caroli*, or shall be hereafter, that have or shall doe wrong to the Common wealth by extortion, oppression, or injustice, shall be liable to make reparations to the parties grieved.

H. Elsynge Cler. domus Com.

The Votes and Resolutions of the Commons House in the Case of Mr. Burton.

Die Veneris 12. *Martij* 1640.

Mr. Rigby *reports from the Committee, for the Star-chamber, the Case of* Mr. Burton: *Upon this report, it was*

Resolved upon the Question.

1 That these foure Commissioners Dr. *Worall*, Dr. *Sammes*, Dr. *Ducke* and Dr. *Wood*, proceeded unjustly and illegally in suspending Mr. *Burton ab Officio & Beneficio*, for not appearing upon the Summons of the first Processe.

Resolved upon the Question.

2 That the breaking open of Mr. *Burtons* House, and arresting his person without any cause shewed, and before any sute depending against him in the Star-chamber, and his close imprisonment thereupon, are against the Law, and liberty of the Subject.

Resolved on the Question.

3 That *John Wragge* hath offended in searching and seising the Bookes and Papers of Mr. *Henry* Burton, by colour of the generall Warrant dormant from the High Commissioners, and that that Warrant is against the Law and libertie of the subject, and that Sergeant *Dendy* and Alderman *Abel* have offended in breaking open the house of Mr. *Burton*.

Resolved upon the Question.

4 That Mr. *Burton* ought to have reparations and recompence for the damages sustained by the foresaid proceedings.

Resolved upon the Question.

5 That Dr. *Sammes*, Dr. *Ducke*, and Dr *Wood*, who suspended Mr. *Burton Ab officio & Beneficio*, for not appearing upon the Summons, the first Processe, ought to make reparations unto the said Mr. *Burton*, for his losses and dammages susteyned by that suspension.

Resolved upon the Question.

6 That Sergeant *Dendy* and Alderman *Abell*, ought to make reparations to Mr. *Burton*, for the damage he susteyned by the breaking open his house without any legall Warrant.

Resolved upon the Question.

7 That *John Wragge* ought to make reparations to Mr. *Burton*, for the damage he susteyned by the breaking open his study and seizing his Bookes and Papers.

Resolved upon the Question.

8 That the Warrant from the Councell Boord dated at White Hall Feb. 2. 1636. for the committing of Mr. *Burton* close prisoner, and the commitment thereupon, is illegall and contrary to the liberty of the Subject.

Resolved upon the Question.

9 That Mr. *Burton* ought to have reparations for his dammages susteyned by this Imprisonment.

Resolved upon the Question.

10 That the Arch-Bishop of *Canterbury* the Bishop of *London*, the Earle of *Arundell* and *Surry*, the Earle of *Pembrooke* and *Montgomery*, Sir *H. Vaine* and Sir *I. Cooke* and Sir *Francis Windebanke* doe make reparations to Mr. *Burton* for his dammages susteyned by this imprisonment.

Die Mercurij 24. *Martij* 1640.

Mr. Rigby *goes on in the Report of* Mr. Burtons *Case: Upon the report, it was,*

Resol-

Resolved upon the Question.

1 That the Sentence in the Star-chamber against Mr. *Burton* is illegall, and without any just ground, and ought to be reversed, and that he ought to be freed from the fine of 5,000 li. and the imprisonment imposed by that Sentence.

2 That Mr. *Burton* ought to be restored to his degrees taken in the Vniversitie & Orders in the Ministery, and to his Ecclesiasticall benefice in *Friday-street London*.

3 That the order of the Councell Boord for transferring of Mr. *Burton* from the Castle of *Lancaster* to the Isle of *Gernsey* and the imprisonment of him there, are against Law, and the liberty of the Subject.

4 That Mr. *Burton* ought to have reparation and recompence for the dammages susteyned by his said imprisonment, losse of Eares, exile and other evils sustained by him by the said unjust and illegall proceedings.

H. Elsynge Cler. Domus Com.

The Votes and Resolutions of the Commons *house in the Case of* Mr. *Prynne.*

Die Martis 20. *April.* 1641.

Mr. Rigby *this day revived the Report of* Mr. Prynnes *Case, and thereupon* It was ordered and resolved upon the Question by the house, as followeth.

1 That the Sentence given against Mr. *Prynne* in the Star-chamber 17. *Februar. An.* 9. *Caroli* is illegall, and given without any just cause, and ought to be reversed. And that Mr. *Prynne* ought to be discharged of the fine of 5000 li. imposed by the said Sentence, and of all extents thereupon and of the Imprisonment decreed by that sentence. Resolved upon the Question.

2 That Mr. *Prynne* ought to be restored to his degree in the Vniversity of *Oxon*, and to the society of *Lincolnes Inne*, and to the exercise of his profession of an *Vtter Bar-*

reſter at Law, and to his Chamber againe at *Lincolnes Inne.*

3 That Mr. *Prynne* ought to have reparation for ſuch dammages and prejuduce as he hath ſuſteyned by the ſaid ſentence and proceedings.

4 That the ſentence given againſt Mr. *Prynne* in the Star-chamber 14. *Iunij* 1637. *Anno* 13. *Caroli*, is illegall, and given without any juſt cauſe or ground, and therefore ought to be reverſed, and that he ought to bee diſcharged of the fine & impriſonment thereby decreed; and that he ought to have reparation and recompence for the dammages which he hath ſuſteyned by that ſentence and the Execution thereof.

Reſolved upon the Queſtion.

5 That the Warrant dated the 27. of Auguſt 13. *Caroli*, made for the tranſportation of Mr. *Prynne* from *Carnarvan* Caſtle, to the Iſle of *Ierſey*, and his impriſonment there, and other reſtraints therein mentioned, are againſt the Law and liberty of the ſubject, and that he ought to be diſcharged of that Impriſonment, and to have reparations for his dammages ſuſteyned thereby.

Reſolved upon the Queſtion.

6 That the impriſonment of Mr. *Prynne* by a Warrant dated the firſt of *February* 1632. under the hands of *Thomas* Lord *Coventrie*, Lord Keeper of the great Seale, *Richard* Lord Archbiſhop of *Yorke*, *Henry* Earle of *Mancheſter*, *Edward* Earle of *Dorſet*, *Henry* Lord *Viſcount Falkland*,* *William* Lord Biſhop of *London*, *Edward* Lord *Nuburge*, Sir *John Coke*, Sir *Francis Windebanke* and Sir *Thomas Iermyn*, is unjuſt and illegall, and that they ought to give Mr. *Prynne* ſatisfaction for the dammages ſuſteyned by that impriſonment.

* Now *Canterbury.*

It is this day likewiſe ordered, that Mr. *Rigby* ſhall tranſmit the charge againſt Dr. *Heylin* touching the promoting the ſuite in Star-chamber againſt Mr. *Prynne*, to the Committee for Religion, to be conſidered of together with thoſe other charges and complaints that are

Come

Come in to that, or any other Committee against him.

It is this day likewise ordered that the parties that ought to make satisfaction and reparation to Mr. *Burton* and Mr. *Prynne* for the dammages susteyned by severall Orders, Warrants and Sentences in the Star-chamber and else-where, shall be considered of when the transmission of these causes shall be brought into the House, and the Committee is to prepare the Transmission of these causes; And it is likewise ordered, that there shall be a stay of all proceedings in the Exchequer for the Leavying of the severall Fines of Dr. *Bastwicke* Mr. *Burton* and Mr. *Prynne*, till this House shall take further order therein.

H. Elsynge Cler. domus Com.

Thus hath the Lord now at last after a wonderfull manner,[a] *beyond all that men could hope or thinke*, raised up these his [b] dead forlorne exild servants (as he did [c] *Daniel out of the Lions Den, Ionah out of the Whales belly, Lazarus out of the grave, Ioseph out of his Prison, and the three children out of the fiery Furnace*) out of their close Prisons, wherein they lay long buried in obscurity and oblivion, [d] *turned againe their captivity as the rivers in the South*; [e] *brought forth their righteousnesse as the light, and their judgement as the noone day*; *and turned their teary*, yea and bloody *seede time into a blessed harvest of joy and triumph*; so as they may now truly sing (in respect of their owne and their proud Arch-enemies and persecutors present condition) as Gods redeemed and exalted people did of old, *Psalme Chap.* 20. *Vers.* 8. *They are brought downe and fallen, but wee are risen and stand upright. Now* [f] *blessed be the* Lord God, the God of *Israel who onely doth these wondrous things. And blessed be his glorious name for ever (for this his incomparable mercy to these and other his oppressed servants) and let the whole earth be filled with his glory* (in this nature, every day more & more) *Amen* and *Amen.*

[a] Ephes. 3. 20.
[b] Psal. 31. 12. Psal. 88. 4. to 9.
[c] Daniel Ch. 8. Ionah ch. 1. and 2. Ioh. 11. Gen. ch. 41. and 42. Daniel 3.
[d] Psal. 126. 1. to 5.
[e] Psal. 37. 5. 6.
[f] Psal. 72. 18, 19.

After these Votes the house of Commons, before any

transmission of these causes to the Lords, hindred by other great affaires; upon a motion in *Mr. Prynnes* behalfe, by Sir *Benjamin Rudgier* made this Order for his restitution to *Lincolnes Inne* and his Chamber there.

Die Iovis 20. *May* 1641.

It is this day ordered by the Commons house of Parliament, that the Benchers of Lincolnes Inne, *shall forthwith restore* Mr. Prynne *to his former condition in that society, according to his antiquity, and to his chamber there.*

Hen. Elsinge Clericus Dom. Com.

The reason they made this Order before any transmission was, because they adjudged his disbarring and expulsion thence, not onely *voydable*, but *meerely voyd in Law*: he being charged with no offence against his profession, or that Societie, and because the losse of his Chamber was no part, but onely a consequent of his censure.

The *Benchers of Lincolnes Inne* upon receit of this Order, at their next counsell there held, made this ensuing Order for Mr. *Prynnes* restitution, both to their Society and his Chamber there.

Lincolnes Inne,

Ad Consilium ibidem tentum vicessimo quinto die Maij, Anno Regni Regis Caroli nunc Angliæ, &c. Decimo septimo, 1641.

Whereas by an Order of the Commons house of Parliament the 20. *day of May* 1641. *it was ordered, that the Benchers of this house should forthwith restore* Mr. William Prynne *to his former condition in this Society, according to his antiquitie and to his Chamber there, as in and by the sayd Order (whereunto relation being had) appeareth. It is now therefore in due performance of the said Order, ordered, that the said* Mr. Prynne *shall be forthwith restored to his former condition in this house according to his Antiquity, and to his Chamber there, and he is hereby, and by the Benchers of this house* nullo contradicente, *fully and cleerely declared to bee accordingly restored.* Io. Clerke D.C.N.L.

Thus

Thus Mr. *Prynne* expelled that ſociety by an Order of Star-chamber on the 24. of *Aprill* in Eaſter Terme 10. *Caroli*, was now reſtored thereunto in the ſame Terme, 25 of *May* 17. *Caroli*, by order from the Parliament.

Since theſe Reports and Votes were made in the Commons houſe, the tranſmiſsions of them to the Lords houſe are prepared, whither they will be ſent with all convenient expedition; where I doubt not but theſe oppreſſed Exiles, ſhall in due time receive a juſt, honorable and compleat acquitall, from all their illegall cenſures, reſtitution to their livings and callings, with ſuch damages & reparations as ſhall counterpoiſe all their loſſes and defamations, crowne all their ſufferings with immortall honour, and cauſe them experimentally to conclude with the Apoſtles determination (a moſt comfortable cordiall in all tribulations) 2 *Cor.* 4. 17. *Our light affliction, which is but for a moment, worketh for us a farre more exceeding and eternall weight of glory.*

I ſhall cloſe up this late tragicall Hiſtory (concluding in a joyfull Commedy) which Mr. *Prynnes* Argument and reaſons tendred to the Committee; wherein hee proved all the ſeverall parts of the cenſures and proceedings againſt himſelfe (and by conſequence againſt his fellow brethren in ſuffering) to be illegall, and contrary to the liberty of the ſubject, in point of Law. A true Coppy whereof comming to my hands, I ſhall (I truſt without offence) communicate to others for the publike good; the rather, becauſe the points therein debated concerne the common liberty of the ſubject, and are not formerly ſo fully diſcuſſed, for ought I can learne, in any printed Booke.

Mr.

Mr. PRYNNES REASONS TENDRED To the Committee,

Proving the illegality of both his Censures in the Star-chamber, in all the severall branches thereof; together with

the unlawfulnesse of the Orders since made for his exile and close imprisonment in the Isle of Iersey; and of the preceedings against him, and his friends that visited him at Chester, in the High Commission at Yorke.

Mr. Prynnes first Censure and Execution.

HE was fined (for a Booke called *Histrio-Mastix*, licenced by authority) 5000 li. to the King, expelled the Vniversity of *Oxford* and *Lincolnes Inne*; degraded, put from his profession of the Law, set on the Pillory in the Pallace-yard at *Westminster* for two houres space, with a Paper in his hat, where he lost one of his Eares (on *Wednesday*, *May* the seventh 1634.) and three dayes after on the Pillory in Cheapside as long, where he lost the other Eare, and had his said licensed Bookes there publikely burnt before his face by the Hangman, and was further adjudged to remaine a prisoner during life.

Mr.

Mr. Prynnes second Censure and Execution.

HE was for default of an answer (*though two answers were tendred by him, one signed with his owne, the other with his Councels hand*) taken *Pro confesso*, fined 5000 li. to the King, pillored, stigmatized on both Cheekes, mutilated, and dismembred of the small remainder of his Eares left after his first execution, adjudged to perpetuall close imprisonment in the Goale of *Carnarvan* Castle in *North-Wales*, and then by an extrajudiciall order deprived the use of Pen, Inke, Paper and all Bookes but the Bible, and some few others of private devotion. After that (by a like Order) exiled and sent close prisoner (in the Winter season into the Isle of *Iersy*, where hee was kept close prisoner without Pen, Inke, or Paper to write for necessaries; his friends and kindered debarred all accesse to him, and all their letters intercepted, by speciall order from the Lords. After which, his friends of *Chester* were censured in the High-Commission at *Yorke*, for visiting him at his Inne in his passage to *Carnarvan*, and his Pictures by their Order, publikely burnt there, at the High-Crosse. 2. *Censure.*

That the two fines of 5000. *pound a peece, are against Law.* 1. *Point.*

The Statute of *Magna Charta Chap.* 14. enacts, *That a freeman shall not be amerced for a small fact, but after the quantity of the fault, and for a great fault after the manner thereof, saving to him his contenement or freehold: And a Merchant likewise shall bee amerced saving to him his Merchandise, &c. West.* 2. 3. *Ed.* 1. *c.* 6. concurres herewith. And if any man be *immoderately amerced* in any inferiour Courts, the Law provides a writ of * *Moderata Misericordia*, for his reliefe, grounded on this statute of *Magna Charta.* * *Fitzh. Nat. Brevium f.* 76.

The ground of these Acts and writ was this, where-

ever the Law for any offence (as for Treason or Felony) takes away a mans life, there *it forfeits* * *all his Lands and Goods*; because the life being taken away, there needs no lands or goods to support it. But where the offence is not capitall, to take away mens lives, there the Law for the most part (except in some speciall cases by provision of Parliament) imposeth onely such a fine and moderate amercement, as shall not swallow up all their estates, but leave them a *competency*, both to * *maintaine their not forfeited Lives*, and support them in their callings for the publike good; which else might suffer by their losse of trade and imployment, in which the Common wealth hath interesse, yea and the King himselfe, *Eccles* 5.3.

* See *Brooke* and *Fitzh.* Forfeiture and Corone.

* See 13. Ed 1. *Rastal Recognisans* 2. and here in the 8. point.

Since then these two fines of 5000 li. a peece exceede my offences and State, and are directly contrary to these two Acts, they must be altogether illegall.

2. Point of the Censure.

2. *That my Disfranchisment out of the Vniversity and Innes of Court is against Law.*

Co. 11. Report f 97 98, 99. *Iames Baggs* case, Trin. 13. Iac. It was resolved *First, that the cause of a Disfranchisment ought to be founded upon an Act, which is against the duty of a Citizen or Burgesse, to the prejudice of the common good of the towne or Burrough whereof he is a member, and against the oath he tooke when he was made a freeman. That words of contempt contrary to good manners against the chiefe Officers of the Citie are good cause of commitment, but not of Disfranchisment.*

But there are no words charged upon me in the information against the *Vniversity of Oxford* or *Innes of Court*, which Vniversitie I had above 12. yeares before deserted. Therefore no ground of a disfranchisment.

Secondly, That every freeman of a Citie or Burrough hath a Franke-tenement in his freedome during life, and it concernes his trade and livelihood, credit and estimation; therefore the cause of his Disfranchisment ought to be some Act or deede executed, to the prejudice of the City or Towne, and not an intention or enterprise from whence no prejudice doth ensue.

Here

Here was no such prejudiciall act to the Vniversity, or Innes of Court done by me, therefore no ground of any disfranchisment.

Thirdly, That no freeman of any Corporation can be disfranchised by the corporation, unlesse they have authority to doe it by expresse words in their Charter or by prescription, and then, per legem terræ, *by a legall tryall according to Law, and by the lawfull judgement of his Peeres: Magna Charta c. 29.* 3.

But the Star-chamber hath no such power by any expresse act or Law, to disfranchise men, not yet any such prescription, neyther did they proceede against me by a legall tryall.

Fourthly, That the returne of the cause of disfranchisment ought to be certaine, so that sufficient matter may appeare to the Court to disfranchise the party. 4.

But here no such cause appeareth on record. Therefore this disfranchisment is voyd and illegall. A husband cannot be divorced from his wife, but for some offence against his wife as an husband; nor I from my wedded profession but for some misdemenour against it, or in it as a Lawyer, of which I was never guilty, nor accused. In Mr. *Shervils* Case in Star-chamber, not a yeare before my first censure, when the *Lord Cottington* (who began that sentence) would have put him from the barre, for breaking some pictures in a Church window at *Salisbury*, the Iudges, and Court resolved, *that it was both against Law and the course of that Court, to put any man from his calling, unlesse it were for some misdemeanors complained off, wherein he had abused his profession; and this Act of his being done as a private man, and not as a Lawyer, could bee no cause to put him from the Barre,* and so he still continued his practise and profession. The same reason is in my Case, this licensed Booke being written by me, not as a *Lawyer*, but as a *Scholler*, and having no relation to my profession, can bee no cause of my disfranchisment from *Lincolnes Inne*, or from my calling.

The pretence for this disfranchisment was, *to save the honour of the Universitie and Innes of Court*; and so it is expressed in the order or Act of my degradation, in the Vniversity of *Oxford*.

But in truth this is but a cloake of maliciousnesse; for many Schollers of *Oxford*, some Innes of Court men, and Ministers have *beene hanged* and *executed* for *Felony* and *Murther*, without any scandall or blemish to the Vniversitie or Innes of Court, though no expulsion or degradation preceeded or followed it. And this ceremony seemes to be borrowed onely from the persecuting prelates in former times, *who used to degrade and deprive godly Ministers of their orders before they burnt them*, as appeares by sundry *Presidents* in the Booke of * *Martyrs*, yet never degraded, nor expelled they the Vniversity or Innes of Court, any that were martyred, for ought I can find.

* See the old edition f. 362. 429. 1160. 1374. 1492. to 1497.

As for the *disbarring* and *putting me* from my calling (which is my freehold) it is against the Law of God, *which* * *commands every man diligently to labour and continue in his calling*; against the *common Law* of the Land, *which adjudgeth a Bond or Covenant not to exercise ones calling, to be meerely void and quite against Law*, Cooke 8. Report f. 125. & 11. R. f. 53. Against the Law of Nature *which enjoynes all men to labour in their calling* (especially when other meanes faile) and thereby to provide for themselves and their families, *Gen.* 3. 19. *Psal.* 128. 2. *Prov.* 31. 27. 1 *Tim.* 5. 8. And against the *policy of the Kingdome*, which * *hates idlenesse, incourageth industry, and will not willingly suffer any to live without a lawfull calling and imployment*, which God condemnes, *Matth.* 20. 3. 6. *Ezek.* 16. 49. 1 *Tim.* 5. 13. 2 *Thes.* 3. 11. 12. *Eccles.* 10. 18. *Prov.* 13. 11.

* *Gen.* 3. 19. ch. 2. 15. *Exod.* 20. 9. ch. 23. 12. *Deut.* 5. 13. *Luk.* 13. 14. *Psal.* 128. 2. 1 *Cor.* 4. 12. *Ephe.* 4. 28. 1 *Cor.* 7. 10. 21. *Rom.* 12. 6. to 12. 2 *Thes.* 3. 8. 10. 11. 12.

* See *Rastal.* Labourers and Vagabonds, Pro. 14. 23. ch. 21. 25.

3. *Point:* *That the dismembring and cutting off my Eares, is against Law.*

By the common Law of the Land a man should lose his

his eares in no case that I know of, nor any member else but *onely his* * *hand, and that in case of striking and blood-shed, either in the Kings owne Palace, or of a Iudge, Iuror, or some other in the face of the Kings Courts sitting, (the Iudges therein representing the Kings owne person)* as appeares by 22. *Ed.* 3. 19. *Fitz. Iudgement* 9. 41. *Ass.* 25. 33. *Hen.* 8. *c.* 12. *Brooke Pain* 16. 41. *Ed.* 3. *Corone* 80. *Dyer.* 188. And in *Holinsheed f.* 290. I read, *that in the* 22. *yeare of Edward the first, three men for rescuing a Prisoner from one* Richard Ragly, *had their hands strucke off in West. Cheape.*

* See Holinsheed p. 953. Edmund Knivets Case.

The Subjects *members* as well as their *Lives*, and goods are secured by sundry Statutes and fundamentall Lawes of the Realme.

The Statute of 5. Ed. 3. c. 9. enacts, *That no man from henceforth shall be attached by any accusation, nor forejudged of Life, nor Limbe, &c. against the great Charter and Law of the Land.* By 25. Ed. 3. c. 4. and the *Petition of Right*, 3. Car. *No man shall be forejudged of Life or Limbe, against the forme of the great Charter, and Law of the Land, nor any taken by Petition or suggestion made to the King, or his Counsell, unlesse it be by inditement or presentment of his good and Lawfull neighbours, or by Proces made by Writ Originall at the common-Law; Nor that none bee outed of his franchises, nor of his freeholds, unlesse he be duely brought in to answer, and forejudged of the same by the way of Law. And if any thing be done against the same it shall be redressed, and holden for none.*

But my dismembring was not by *the way of Law*, and is against all these Acts; therefore voyd, and illegall.

By the Statute of 1. and 2. Mariæ, c. 3. it was enacted, *That the spreader abroad of diverse and sundry false seditious and scandalous Newes, rumors, sayings, and talkes against our most dread Soveraigne Lord and King, and Lady and Queene Mary, to the great dishonour, reproach and slander of their most excellent Majesties, and also the great slander of this their Realme, shall for his first offence, being thereof lawfully convicted,*

convicted, within three Moneths space next after the offence committed by verdict upon an inditement, be set openly upon the Pillory, and there to have both his eares cut off, unlesse he pay 100 *li. to the King and Queenes use, within one Moneth next after the judgement given of his sayd offence, and also shall suffer imprisonment for three Moneths space next after such his execution.*

And by this Act, *He that speaketh such Newes maliciously of anothers report, shall be set upon the Pillory, and have one of his Eares cut off, unlesse he pay an* 100. *markes to the Kings and Queenes use within one moneth next after the judgment, and shall suffer one moneths imprisonment onely after such execution.* And both these *for their second offence, upon conviction, shall suffer imprisonment during their Lives, without baile or mainprise, and forfeit all their goods and Chattels.*

From which Act I shall observe these particulars.

1 First, that before this Act, as appeares by the *preamble*, and first part thereof; the spreaders abroad of false, seditious and scandalous Newes and Libells, though against the King and Queene themselves, were not punishable with the Pillory and losse of Eares; which was the cause of making this Law.

* Holinshed, p. 1084. b. and Stow. p. 619.

Indeed I find, * *that on July the* 11. 1553. *when the Lady Iane was proclaimed Queene, after King Edwards death, one* Gilbert Pot, *drawer to* Ninion Saunders *a Vintner, dwelling at* St. Iohns *head within Ludgate, being accused by his* Mr. *was set upon the Pillory in Cheapside, and had both his Eares nayled and cleane cut off, for words spoken at the time of the Proclamation of the Lady-Iane to be Queene. At the which execution was a trumpet blowne, and a Herald read his offence before one of the Sheriffes*; which is the onely president I find, of losse of Eares. But by what Law this was done I cannot finde; however, it was not by any sentence in Star-chamber; it was for words against a Queene, when she was proclaimed: and the Historians notes, that the Informer *Ninion* shooting the Bridge,

was

was drowned the very same day of this unjust execution. And it is probable that this execution then done against Law, and so reputed, was the ground of making this Act, and authorizing this punishment in case of scandalous words against Queene *Mary*, since this Law was made the very next yeare after.

But there is no such Law for any pretended slanderous Libells against the Bishops onely; who are neither King nor Queene, and yet in my Censure are preferred farre above both.

Secondly, that this penalty could not be inflicted even by this *Act, unlesse the party offending were convicted thereof within three Moneths space next after the offence committed:* whence 5. and 6. *Phil.* and *Mary, Dyer* 155. *b* and *Cromptons Iurisdiction*, f. 35. *b. It was resolved in* Odnolds Case, *Yeoman of the Guard, who spake horrible and slanderous words against Queene Mary, that after three moneths exspired, he could not be proceeded against upon this Statute, but onely be indicted and imprisoned at the will of the Queen, according to the Statute of West.* 1. *c.* 34. Which resolution likewise proves, that before this Law, there was no losse of Eares for any Libelling and false Newes, though against the King and Queene.

But here there was no proceedings against me within three moneths after the supposed offences; neither am I charged for any offence within this Act, which is exspired.

This Statute, even in these *bloody Marian dayes*, for this great offence of scandalous and seditious libells against King and Queene, prescribes not simply the losse of both Eares, but gives the delinquent *power to redeeme the losse of them within three moneths next after the Sentence given, and that with the payment onely of one hundred pound to the King and Queenes* use.

But my Eares are simply and absolutely adjudged to be cut off, without any power of redeeming them at any rate, within any space of time.

The

4. The losse of both Eares with a power of redeeming them for an 100. pound, was not by this Act accompanied or aggravated with any fine.

But my double losse of both Eares, is aggravated with the fine of 5000 li. doubled upon me, which is nigh 99. times more, then the summe here prescribed for their redemption.

5. This Act prescribes the Eares to be lost but once, and one single standing on one Pillory; but my Eares must twice be cut off, and I set on severall Pillories, at severall times and in divers places, to lose them.

6. Here is onely three Moneths imprisonment enjoyned to the delinquent, and that at large, not close.

I must be adjudged to perpetuall close imprisonment, and that in remote Castles, where none were ever sent from this Court before.

7. Here the conviction must be by inditement, verdict and lawfull witnesses, or voluntary confession at least.

Mine was upon an information taken *pro confesso*, for want of an answer, when I tendred two, and neither would be accepted; and that without any legall conviction, voluntary confession, or any one witnesse produced or examined.

8. The second offence within this Act was onely *perpetuall imprisonment*, and that not close, nor in remote Castles and Islands.

But I was adjudged to perpetuall close imprisonment in remote Castles and Isles, all accesse of Friends, Letters, and the use of Pen, Inke and Bookes being debarred from me too.

In all which respects, my Censure for a pretended offence against some Prelates, doth farre transcend the penalties imposed against Libellous delinquents of the highest nature in *Queene Maries* dayes, against the King and Queene themselves.

On this Statute, in Queene *Maries* raigne, I read onely of two judgements, and executions. The one, against *Elica*:

* *Elizabeth Driver of Grousborrough in Suffolke*, who, *for likening Queene* Mary *to Iezabell in her persecution, and so in that sence calling her* Iezabell, *was for this indited before* Sr. Clement Higham *the chiefe Iudge at the Assises at* Berry; *who adjudged her Eares immediatly to be cut off*, (contrary to the Provision of this Act) *which was accomplished accordingly; she joyfully yeelding herselfe to the punishment, and thought her selfe happy that she was counted worthy to suffer any thing for the name of Christ; for whom she was soone after martyred at a stake.* The other judgement and execution was against one *Trew* in *Kent*, who *pursued by one* Sir Edward Gage, *was at last brought to his house and there layd in a dungeon; from thence had to the next Market Towne, and was set on the Pillory, and there lost both his Eares* (by colour of this Law) *for disswading, not to come to Church to heare Masse.* These proceedings are taxed as *tyrannous and illegall* by Mr. *Fox*; therefore no good presidents to ground any like Sentence upon, especially in my cause, which is cleane out of the limits and intent, of this long since expired Act.

* *Fox Acts and Monuments p. 1670. 1682. in the old Edition.*

This Statute being but temporall, *during the Queenes owne life*, it was after enacted by the *Statute of* 23. *Eliz. c.* 2. *That they who shall advisedly with a malicious intent, of his or their owne imagination utter any false, seditious and scandalous newes, rumors or sayings against the Queenes Majesty, being thereof lawfully convicted by the testimony, deposition and oathes of two sufficient witnesses, at the time of his inditement and arraignement, which witnesses shall then be brought face to face before the partie so arraigned, and there shall openly declare all that they can say against the sayd party indited, unlesse he shall willingly and without violence confesse the same* (*without which testimony or confession* there is an expresse *Proviso* in the Act, *that no person shall be indicted or arraigned for any offence in this Act mentioned*) *shall be set openly on the Pillory, & there to have both his Eares cut off, or at the offenders election to pay* 200 *li. into the Exchequer to the Queenes use, within two moneths next after the*

judgement against him; and also shall suffer imprisonment for the space of six Moneths next after his said conviction without baile and mainpraise.

And he that shall advisedly and maliciously report any such Newes from the reporting of any other, shall be set on the Pillory and there have one of his Eares cut off, unlesse hee pay 200. markes to the Queene within two Moneths next after the judgement given, and shall suffer imprisonment by the space of three Moneths after his conviction without baile. From this act I observe.

1. First, that there was no losse of Eares for libelling against *Queene Elizabeth*, before this Act made, that of *Queene Mary* being expired with her.

2. Secondly, That the delinquent had *here a power to redeeme his Eares, paying onely 200 li. to the Queenes use within two moneths after the judgement.*

3. Thirdly, no fine attended the losse of both Eares, and the summe onely of 200 li. paid within two moneths, at the parties election, might redeeme their losse.

4. Fourthly, the party was to be imprisoned onely six Moneths, and that in an ordinary usuall prison, not adjudged to perpetuall close imprisonment and exile in remote Castles and Islands.

5. Fiftly, this Act expressely provides, that no man should be punished *but by inditement, nor convicted, but by his owne voluntary confession, or the Oathes of two sufficient witnesses brought face to face before the delinquent, at his arraignment.*

When as in my Case there was neither voluntary confession, nor proofe, nor witnesse brought face to face.

6. Sixtly, this Act was personall, relating onely to *Queen Elizabeth* and expiring at her death.

All these particulars applyed to my Case, prove my Censure both unjust and illegall.

By 5. Eliz. c. 9. *The procurers and suborners of wilfull perjury* (a grand offence) *are onely to forfeit 40 li. a peece. And if they have not goods, Chattels, or Lands to the value*

of

of 40 li. then they are to ſtand on the Pillory openly in ſome Market Towne for one houres ſpace, and to ſuffer one whole yeares impriſonment without baile, and the party corruptly and wilfully perjured, ſhall loſe but 20 li. and ſuffer ſix moneths impriſonment. And if he have not goods or Lands to the value of 20 li. then he ſhall be ſet on the Pillory in ſome market place, and have his Eares nailed. Whence obſerve. *Note:*

Firſt, that this *nayling of the Eares* for perjury, is onely by vertue of this Act, not by the common Law. 1.

Secondly, In caſe of poore Raſcall people, not worth 20 li. in Lands, goods and Chattels, and no others. 2.

Thirdly, That this muſt be by *inditement in the Kings Bench*, and ſuch like Courts; not by information in Star-chamber, which cannot puniſh perjury in any other manner, but as it might before this Act; as is cleare *by the laſt proviſo*, and *reſolved in Dyer* f. 242. 243. 3.

If then the Star-chamber cannot naile mens Eares for perjury, how can they cut them off for leſſer offences?

By 5. Eliz. c. 14. *The forger, maker and publiſher of falſe deedes, being thereof convicted by an Action at Common Law, Inditement, Bill or information in the Star-chamber, ſhall pay double coſts and damages to the party, be ſet on the Pillory in ſome open Market towne, and there have both his Eares cut off, his noſtrils ſlit, cut, and ſeared with an hot Iron, to remaine as a perpetuall note of his falſehood, and ſhall forfeit the whole iſſues of his Lands and tenements during life, and ſuffer perpetuall impriſonment during Life.* And in other Caſes of *forgery* by that Act, he *ſhall pay double coſts and dammages, be ſet on the Pillory, have one eare cut off, and ſuffer one yeares impriſonment without baile.*

Note:

Yet note that theſe penalties are inflicted. Firſt by an expreſſe Act. 1. Secondly in caſe of forgery of falſe deeds onely. 2. Thirdly that this Act inables any Court where the offendour ſhall bee convicted to inflict this puniſhment, and the Star-chamber by name, which elſe had had no power to impoſe ſuch a Cenſure. 3.

By the Act of 14. Eliz. c. 5. *Such a vagabond Rogue as shall be duely convicted of his Roguish and vagabond life, by the Oathes of two sufficient witnesses, or by inquest of office, shall be grievously whipped, and* burnt through the gristle of their right Eare with an hot Iron, of the compasse of one inch about, manifesting his Roguish kind of life, and his punishment received for the same; which shall presently be executed on him, unlesse some Subsidie man, or house-houlder of honest condition; shall take him into service for one yeares space, and if hee depart from his service within that time without his Masters consent, then the sayd penalty to bee executed on him.*

* See Holinshed p. 1128.

If vagabond Rogues shall not have their Eares thus boared, but by lawfull conviction by the Oathes of *two sufficient witnesses*, and by authority of an expresse Act of Parliament, and that not absolutely but with limitation; much lesse shall mens Eares of better qualitie, be boared and cut off, without authoritie of Parliament, or the Oath of any one witnesse to convict them.

The Statute of 5. Ed. 6. c. 4. Enacts, *that if any person strike with any weapon in any Church or Churchyard, being thereof convicted, by verdict of 12. men, or by his owne confession, or by two lawfull witnesses before the Iustices of Assises, Iustices of Oyer and Terminer, or Iustices of peace in their Sessions, by force of this Act, shall bee adjudged by the same Iustices before whom such persons shall bee so convicted, to have one of his Eares cut of. And if the person so offending have no Eares, that then he be branded in the Cheeke with an hot Iron, having this Letter, F.*

Note,

1. But First, this is by speciall Act. Secondly, by a legall
2. conviction by verdict, confession, or witnesse; both
3. which are wanting in my Case. Thirdly, the losse onely
4. of *one Eare*, and that without any Pilloring, fining, imprisoning, or Stigmatizing; not to be inflicted, but where the party wants an Eare. In my Case all these penalties are joyntly imposed without any Law.

By the Statute of 2 Ed. 6. c. 15. *Artificers or labourers who*

who conspired or covenanted together to promise, or make Oaths not to doe their worke, but at a certaine rate, and not to finish that another hath begun; being lawfully thereof convicted by verdict, confession or otherwise, shall for the second offence suffer punishment of the Pillory, unlesse he pay 20. pound to the King within six dayes. And for the third offence forfet 40 pound to the King, if he have sufficient, and pay the same within six dayes, or else, shall sit on the Pillory and lose one of his Eares.

But first, this is by speciall Act. Secondly by lawfull conviction, by verdict, confession or witnesse. Thirdly, in case of poore *Labourers* and *Artificers* not worth 40 pound Fourthly, with power to prevent the losse of the Eare by paying 40. pound within six dayes after conviction. Fiftly, the losse onely of *one Eare* not both, and that without any fine or imprisonment 6. for the third offence: And so different from my case in all these particulars. 1. 2. 3. 4. 5.

By the Statute of 33. Hen. 8. c. 1. *Counterfeiters of Letters or privy tokens to receive mony or goods, convicted by the oathes of witnesses in the Star-chamber, or else-where, shall be imprisoned, set on the Pillory, or punished by any corporall punishment, except paines of death.*

But this is by expresse Statute, neither have I heard of any that hath lost his Eares, or any member by sentence in Star-chamber for this offence, though a kind of *Felony*, and capitall crime. Besides, the Star-chamber is here expressely nominated, neither can it impose any other punishment then what other Courts may doe.

By the Statute of 8. Eliz. c. 3. *Transporters of Sheepe, shall for the first offence forfeit all their goods, suffer one yeares imprisonment without baile, and then have the left hand cut off in some open Market Towne, and there nailed up, in the openest place of the Market.*

But this penall (Statute introducing this punishment and peculiar to this offence) is no justification, but condemnation of the proceedings against me. And it is for an of-

fence wherein the whole Commonwealth is deepely interessed in point of Policy, whereas my pretended crime is meerely personall against some Prelates.

The Statutes of 31. Ed. 1. c 33. and 2. R. 2. c. 5. enact, *That the publishers of false Newes, Letters and Tales of Prelates, Dukes, Earles, and Peeres of the Realme, whereby discord may grow betweene the King and his people, or the Nobles, shall onely be imprisoned, till they have brought in Court the first Author of the Tale*: and 12. R. 2. c. 11. enacts further, *that if he cannot produce the Author, hee shall be punished by the advice of the Counsell.*

But these Acts give no power to the Counsell to inflict any Corporall punishment, as losse of Eares, Stigmatizing, &c. Therefore they cannot impose it by any colour from these Lawes, for which no ancient presidents can be produced, but onely imprisonment and no more.

Crompton in his *Iurisdiction of Courts*, Title *Star-chamber*, produceth no presidents of cutting off Eares, stigmatizing, banishment, perpetuall close imprisonment in remote Castles, restraint of Pen, Inke and Bookes, but onely of standing on *the* * *Pillory, wearing of Papers on the head, and riding with the face to the horse taile through Westminster-Hall.*

* For which see Holinshed p. 159. 774. 1181. 1258. 1321.

Therefore then they used no such corporall punishments: By what Law then doe they inflict them now?

I reade, that * *Queene Elizabeth* Anno 1596. *was driven to take severe courses for the restraint of villanous Promoters or Pursevants, who pretending the authoritie and badges of the Queenes Servants, ranged up and downe* England *with counterfeit instruments, under the hands of the Counsell, and the Queenes Commissioners for causes Ecclesiasticall, and rifled the houses of Widdowes and Papists, taking away whatsoever vessells or jewels had the pictures of Christ, or the Saints upon them, as unlawfull goods: Whereupon divers of them were apprehended, enforced to restore the goods, lost their Eares, and were branded in the foreheads for Counterfeits and impostors.*

* *Martyns Hist. p. 809.*

But

But note first, That this punishment was by inditement onely, and legall conviction, not by any sentence of Star-chamber.

Secondly, in an extraordinary offence, which is capitall, the breaking up of mens houses, and taking away their goods by violence, and the counterfeiting of the Queenes High-Commission Seale, being Felony in strictnesse of Law, and deserving death. And this practise of these counterfeits is within the compasse of the *Statute of* 33. *Hen.* 8. *c.* 1. which *warranted these proceedings*; Which in these respects are farre different from my Case, and so no warrant for such an execution upon me.

The Statutes of 3. Hen. 7. c. 1. and 21. Hen. 8. c. 20. *give the Star-chamber no cognisance of Libells, nor any Statute since.* Therefore they have no legall conusance of them; much lesse then power to inflict such penalties for them, as losse of Eares, Stigmatizing, perpetuall close imprisonment, &c. as in my case they did, even to duplication.

I read *Matth.* 26. 51, 52. *Mar.* 14. 47. *Luk.* 22. 50. 51. *and Iohn* 18. 10, 11. that when *Peter drew his Sword, and in defence of his Master Christ cut off* Malchus *his right Eare; Christ reprehended him for it very sharpely, and healed his Eare againe.* If Christ then would not have one mans Eare cut off in defence of his owne personall quarrell in the field, much lesse would he have Christians, (especially Bishops) to cut off both mens Eares in Courts of Iustice in their own cases, out of private spleen & revenge. St. *Paul* forbids *Bishops to be strikers*, 1 *Tim.* 3. 3 *Tit.* 1. 7. much more to bee strikers and cutters off of Eares.

Paul Ebor in his Booke of the *Religion and Republike of the Iewes* pag. 76. Records out of * *Iosephus*; *that Antigonus not content to have violently thrust his Brother Hyrcanus from the High-Priests office, proceeded yet further to cut off his Eares, both to deforme him, and make him for ever after uncapable of that office; which by the Law no maimed man might execute.*

* *Antiqu. Iudæorum lib.* 14. *c.* 25. *p.* 373. in the last English Edition.

This

This was taxed as a note of barbarous cruelty and injustice in a *Iew*: I presume it will be deemed no lesse in a *Christian*, a *Prelate* (honoured with the Title of his *Grace*) executed on a *Lawyer*, but especially on a *Minister*.

* *Hall. Anno 15. Hen. 7. f. 51. Holinsheed p. 787.*

It is recorded by * *Hall* and *Holinshed*, *that in France they use to cut off onely one Eare of a Theefe or Murtherer, that is admitted to his Clergy; that so he may be knowne againe by that infallible marke of his evill doing; but this* is onely in these two cases, which are capitall, and not in any inferiour offences.

Cooke Institutes f. 116. Mahemium est membri mutilatio, & membrum est pars Corporis habens destinatam operationem in Corpore.

* *See Plutarch Morall Tom. 1. p. 155. to 159.*

This the Eare hath, therefore it is a member; nay more, *the* * *instrument of the most Noble sence, hearing*; without which there can be little or no instruction, or humane conversation among men. And though *the cutting off of the Law bee* * *not properly a maihme because the Eare is no military member*, as the hands, feete, armes, fingers, and other such like parts are; yet the losse of the Eares is a great deformity, and a greater dammage then the losse of the teeth or fingers in sundry respects.

* *Britton f. 48. Fitz. Corone 458. Stanfords Pleas, f. 38. 39.*

By 33. Hen. 8. c. 6. *The cutting off the Eare or Eares of any of the Kings subjects, maliciously, willingly, or unlawfully, otherwise then by authority of the Law, is such an offence for which the party shall have treble dammages of him that shall doth it, and the King receive 10. pound fine.*

This cutting off my Eares without any Law or Act authorizing it, must needs be deemed malicious, and unlawfull: therefore within the penalty of this Act.

Point 4.

That the Stigmatizing is unlawfull.

By the Statutes of 14. Eliz. c. 5. and 39. Eliz. c. 4. *Rogues are authorized to be branded, but it is on the shoulder* onely; *and Murtherers and Felons that have their Clergy are to be branded onely in the brawne of the left hand.*

hand, with an M. *or* T. *and that onely by the expresse Statutes of* 4. Hen. 7. c. 13. 32. Hen. 8. c. 3. * *not by the common Law.*

* See Halls Chron. 15. H. 7. f. 51. Holinshed, p. 787.

But my branding, and that on both the cheekes, where the markes are most visible, is warranted by no expresse Statute, nor by the Common Law; therefore most illegall, I being neither a *Felon*, nor *Rogue* convict.

* Anno 37. Hen. 8. *On the* 13. *of February, a Priest was set on the Pillory in Cheapside and burnt in both cheekes with the Letters* F. *and* A. *and a paper on his head wherein was written,* For false accusing; *which judgement was given by the Lord Chancellour in the* Star-chamber, (Thomas Audley was then Lord Chancellour:) So 3. & 4. *Philip* and *Mary* on the 21. *of November, A man was brought from Westminster Hall riding with his face to the horse-taile, and a paper on his head to the Standard in Cheap, and there set on the Pillory, and then burned with an hot Iron on both his Cheekes with two Letters* F. *and* A. *for false accusing one of the the Court of Common-Pleas in Westminster of Treason.*

* Holinshed p. 968. a 1132. Stow, p. 1103.

By what Law or justifiable authoritie this was done, I am yet to learne, they being the first presidents of this kind. Besides, here was a lawfull conviction of a false accusation of Treason, to take away an innocents life: here in my case is no such conviction nor crime appearing.

By the Statute of 5. Ed. 6. c. 4. *Those that strike with any weapon in any Church or Churchyard, being thereof convicted by verdict of* 12. *men, or by his owne confession, or by two lawfull witnesses, before the Justices of Assises, Justices of Oyer and Terminer or Justices of Peace in their Sessions, by force of this Act, shall be adjudged by the same Justices before whom such person shall be convicted, to have one of his Eares cut off. And if the person or persons so offending have no Eares whereby they should receive such punishment as is before declared, that then he or they to be marked and burned in the Cheekes with an hot Iron, having*

ving this Letter F. *whereby they may be knowne and taken for Fray-makers and Fighters.*

Where note, First that this Stigmatizing is by speciall Statute, and so cannot be inflicted but by Act of Parliament, else this Act were but superfluous, might it have been done before or without it.

Secondly, that no man shall be stigmatized by this Act, unlesse he be thereof convicted by a verdict of 12. men, his owne confession, or two lawfull witnesses; and that not by an information in the Star-chamber, but upon an inditement before the Iudges and Iustices.

Thirdly, that none is thus to be branded but he that hath no Eares, and if any lose his Eare for this offence, he is not to be branded.

Fourthly, the offendour is onely to lose one Eare; or branded if hee wants Eares onely in one Cheeke, not in both, and is neither to be fined, nor imprisoned.

My branding therefore by no Act of Parliament, without any conviction by verdict, confession, or witnesse, and that in both Cheekes not in one, coupled with a fine of 5000 li. pilloring, losse of both Eares and perpetuall close imprisonment, must needs be against all Law and Iustice, a strange exorbitancy & multifarious cruelty.

By the Statute of 5. Eliz. c. 14. *The forgers, makers, and publishers of false Deeds in some speciall Cases, being thereof convicted, shall have their nostrills slit and seared with an hot Iron, to remaine as a perpetuall note or marke of their false-hood.*

But this punishment is by a speciall Act of Parliament, for this particular heinous offence, not punishable in this sort before; therefore no justification of my Stigmatizing, but a direct probation of its unlawfulnesse, since warranted by no speciall Statute, without conviction, or confession, nor for a crime of so grosse nature as this.

* *Helinshed. Hist. Scot. fand. p. 133.*

I finde, that * *Kenneth*, an ancient King of Scotland, *about the yeare* 839. enacted a Law, *that fugitives and vagabonds, should be whipped, and burned in the Cheeke.*

But

But this was for base Runnagates, and setled by a Law.

The face of a man is that part wherein the * *Image and majesty of God doth principally shine forth in our humane bodies*; so as the defacing and stigmatizing thereof is an high violation of the very Image of God himselfe, engraven therein; whence it is layd downe as an aggravation of our Saviours sufferings, *Isay* 52. 14. *cap.* 50. 6. That *his visage was marred more then any man, and his face or forme more then the sonnes of men.* And that he *gave his cheeks to the Nippers, that plucked off his haire.* Yea, * *Spitting in the face* and *smiting men on the cheeke, are reputed great reproaches* and *indignities* in *Scripture*, though transient Acts; what then is branding in the face and cheeks which is permanent? It is usuall with Iurors to give greater dammages for a skarre or wound in the face (of whose preservation the Law is so curious that it never prescribes either Felons or Rogues to bee branded therein, but only in the hand or shoulder) then in any other part of the body. Therefore my branding in the face cannot but be a most injurious and malicious act, demerriting good dammages from those who enjoyned it.

* 1 Cor. 11. 7.

* Iob 30. 10. 1 Kings. 22. 24. 2 Chron. 18. 23. Iob 16. 10 Lam. 3. 30. Mich. 5. 1. Mat. 5. 39.

That the adjudging mee to be sent close Prisoner to Carnarvan Castle, a remote *Prison in* North Wales, *not belonging to the* Starre chamber, *is against Law.*

Point 5.

By 5 *Ed.* 3. *c.* 8. *Prisons shall be kept in Townes*, and by provision of 23 *Hen.* 8. *c.* 2. *Common Jayles and Prisons whereunto evill doers shall be committed for their offences, shall be in Townes, especially in such Towns where most commonly the Assises and Sessions are kept, and where there is most resort, and repaire of people, to the intent that by the meanes thereof fewer shall escape, and also the rather and oftner reliefe and charity of the people shall bee*

to the Prisoners ministred, 5. Hen. 7. c. 10. Iustices of the Peace shall imprison none in private Castles, but onely in the Common-Goale.

The removing therefore of mee to remote Castles, where my friends could not relieve me, nor have accesse unto me, is expressely against these Acts.

21. Ed. 4. 71. a *Br. Imprisonment* 80. *Protestation* 18. *The Fleet is for the Chancery, Common Pleas, Exchequer, and to these Courts the Warden is an Officer: and to the Star-chamber and Palace.* Per Catlin *and* Fairefax. *And though all the Sheriffes of England be officers to the Court of Kings Bench for things done in their severall Counties, yet the Iudges of the Kings Bench cannot commit any one Prisoner to them, as* Brooke *and* Fairefax *are of opinion, but for an offence done in that County. Neither can they commit any man for Felony or Treason to the Fleet, unlesse it be in a speciall case, as where the Marshall of the Kings Bench had married the offenders Sister* (as the case was there) *where the defendant* Winkefield *Esquire, one of the Kings household Servants, who had done great service (Newgate being to vile a Prison for him) was committed three dayes space to Newgate, and then committed the Warden of the Fleet, who received him with a Protestation, of saving to him his liberty at all other times to refuse such Prisoners.*

By these Booke cases, and sundry others, it is apparant; that the Star-chamber and other Courts, cannot by Law commit men to any Prisons but such which properly belong unto them.

But the Castle of *Carnarvan in North-Wales*, where the Kings Writs anciently did not run, and the Castles in *Ierſy* where they run not no, ware no prisons properly belonging to the Star-chamber, who never sent any Prisoners to them before or since, but only my selfe: Therefore this imprisonment in them is against Law.

By the Book of 27. *Hen.* 6. f. 8. *Br. Faux Imprif.* 32. *Auditors cannot commit accomptants but to the next Goale, be it in the same or the next County, for so is the Statute: And*

if

if they doe contrary, an Action of false imprisonment lyes against them. The reason of this Law was to avoyd vexation, and for the prisoners better reliefe.

By the same reason, the Star-chamber ought to have committed me to some neare or proper Prison belonging to that Court, not to remote obscure Castles. And since they did contrary, the imprisonment is illegall.

The *Statutes of Marlbr. c. 4. West. 1. c. 16 1. & 2. Phil. and Mar. c. 12* enact, *that distresses shall not be driven out of the county where they are taken, and that those that offend herein shall be grievously amerced; and that the distresses shall be put in an open pound within three Miles off the place where they were first taken.* And by the *Common-Law, distresses must be kept in a pound Overt; not in a close Pound or Prison, that so the owners may the better feed, and replevie them,* 5. H. 7. 9. Br. Distresses 42. 33. H. 8. Br. Dist. 67. Dr. and Student, l. 2. c. 27. Co. Instit. 47. B. 9. Ed. 4. 2. b. 1. & 2. Phil. and Mar. c. 12.

If then the Subjects very Beasts and Swine, have so much priviledge by the Lawes & Statutes of the Realme, as not to be driven and impounded out of the Counties where they are distrained, and not to be kept close prisoners in any remote or obscure place, but onely in an open pound, where the owners & others may have free accesse to visit, and feede them at their pleasures: No doubt the persons and bodies of the Subjects themselves, by the Lawes and Statutes of the Realme enjoy as ample priviledge as their Beasts. And therefore ought not to be sent to remote and forraigne close prisons, where neither their servants, kindred, wives nor friends can have any accesse to visit or relieve them, but are by speciall order from the Lords (as in this Case) denied all accesse unto them.

By the *Statute of 23 H. 8. c. 9. No man is to be cited out of his proper Diocesse unlesse in speciall Cases.* And *1. Ed. 3. c. 5. No man shall be compelled to goe to war out of the Shiere where he dwelleth, but where necessity and suddain coming of strang enemies into the Realme requireth.*

The equity of these Lawes (which is to avoyd vexation, charge and unnecessary trouble) doe strongly imply, That no man shall be sent Prisoner into remote countries and places out of the Country where he is either censured or resides; So that from all these premises I conceive my close imprisonment in remote Castles to bee directly against the Law and liberty of a Subject.

Point 6. *That my Perpetuall imprisonment is against Law.*

The Statute of 1 and 2. Phil. and Mar. *c.* 3. and 23. Eliz. *c.* 2. prescribe but three, *or sixe monthes imprisonment at most, in case of spreading false and scandalous newes against the King and Queene.*

Therfore this case, only against the Prelats (admit a guiltinesse) cannot in Iustice deserve perpetuall imprisonment.

Imprisonment during life cannot bee imposed but where some Acts of Parliament, or the Common-law expresly prescribe it.

But in this case, neither the common-law, nor any expres Act of Parliament prescribe imprisonment perpetuall. Therefore it is illegall.

By the Statute of 23. *Hen.* 8. *c.* 1. *Perpetuall imprisonment is enjoyned to Clergy men found guilty of petty Treason, wilfull Murther, Sacriledge, Burglary, or robbing by the way.* All which are capital crimes deserving death; this Act being made in favour of these delinquents lives.

By 5. Eliz. c. 14. *Forgers, Makers, and Publishers of false deeds,* are to be imprisoned during life, the crimes being of an high nature, to defraud men of their Inheritances.

By 31. Hen. 8. c. 13. *Priests the third time convicted of incontinency, are to suffer perpetuall imprisonment.* This is peculiar to Priests, for a grievous scandalous sinne after two severall convictions.

By 1. and 2. Phil. and Mar. c. 3. *Publishers of false and seditious newes, Lyes and Libels against King* Philip *or Queene*

Queene Mary *upon their second conviction for that offence* are to be perpetually imprisoned. But this was for a reiterated crime of an high nature, both against King and Queene.

By 5. and 6. Ed. 6. c. 1. and 1. Eliz. c. 2. *Recusants and Separatists from the Common-prayer, and administration of the Sacraments of the Church of England, upon their third conviction and offence; are to be imprisoned during life:* But this is after a treble conviction, and by a speciall Law.

By 33. Hen. 8. c. 12. *Such as maliciously strike and shed blood within the Kings Palace and house,* are to be imprisoned during life, because this might prove dangerous to the Kings person. In no other cases but these, that I find, doe our Lawes inflict perpetuall imprisonment; and that by speciall Acts for this purpose, introductiue of a new Law.

And by the Common Law it is inflicted on none but those who strike a Iudge, Iuror or Witnesse in the face of the Court, 22. *Ed* 3. 13. 19. *Ed.* 3. *Fizt: Iudgement* 9. 41. *Ass.* 25. 33. *Hen.* 8. *c.* 12, *Brooke Pain* 16. 41. *Ed.* 3. *Corone* 28. 3. *Eliz. Dyer pl.* 10. *fol.* 188.

But my supposed offence is not any of the forenamed, nor within the words or equity of these Acts. Therefore perpetuall imprisonment (and that close which these Acts prescribe not) is against all Law, or common Statute.

It is written, Rev. 2. 10. *The Devill shall cast some of you into prison, and you shall have tribulation for ten dayes;* not during life.

By this it appeares, that the Devill himselfe abhors mens perpetuall imprisonment and tribulation as unjust; much more then should Christians doe it, especially those, who have ever GRACE in their *Titles*, though seldome in their *Actions* and censures.

Those * *sundry Acts* which *provide for Goale deliveries thrice every yeare at least, even in case of Felony, and Felons;* condemne perpetuall imprisonment in this Case, which is not so great or hainous as Felony, not punished with

4 Ed. 3. c. 2. 17 Rich. 2. c. 10. Rastall Iustices of Goale delivery f. 163.

with perpetuall imprisonment. For *Felons admitted to their Clergy, and burnt in the hand, are immediatly or soone after discharged of their imprisonment upon payment of their Fees*; Why I should not be so after a double losse of my eares, and branding on both my cheeks, but remaine a Prisoner during life but for a supposed crime, not capitall or felonious, no Law or reason can be produced.

Point 7. *That my close imprisonment that none might visit or speake with me, is against Law.*

Cookes Institutes f.260 b. Imprisonment must be Custodia, non pœna; for Carcer ad homines custodiendos, non puniendos dari debet: If so, then it ought not to bee close, but at large.

9.Ed.4.2.5.Hen.7.9.Br. Distresse 42. *By the common Law*, and likewise *by the Statute of* 1. and 2. Ed. Phil. and Mar. c.12. *Beasts that are distrained ought to be kept in an open Pound, where their owners may freely come and feede them, not in a close Pound or prison, where they cannot repaire to view, feede or replevish them at their pleasures.*

If therefore mens very beasts have such a priviledge, surely men themselves should by Law have the selfe same priviledge as their Beasts, if not a greater, and not be shut up close Prisoners in any place, (much lesse in remote and forraigne Prisons) where their friends can neither visit nor relieve them, which was my condition. It is beastiall at the least, if not illegall, to use men, yea Christians worse then Beasts.

It is usuall for men committed, not onely for horrid murthers and Felonies, but likewise for high Treason (unlesse in some specieli Cases, and that onely for a short space) to be kept prisoners at large, and not shut up close prisoners from all accesse of Friends: yea, the *Archbishop of Canterbury* himselfe (the chiefe cause of my restraint and exile) with others now accused and committed by the whole Parliament for high Treason, have still enjoyed

joyed both the liberty of the Prisons where they are, and the free resort of any friends that have a will to visit them. And the Statutes of 5. *Ed.*3.c.8. *and* 23. *Hen.*8. c.2. which enact, *that Common Goales and Prisons, whereunto evill doers shall be committed, shall be kept in Townes of greatest resort, whereby the rather and oftner reliefe and charitie of the people shall be to the Prisoners ministred*; seemes expressely to provide against all close imprisonments now in use, excluding both the relicfe and accesse of men, yea of Wives, Brethren, Sisters or Children, which was my fellow sufferers case and mine.

If then Felons and Traytors neither are, nor ought to be close imprisoned by Law, in ordinary Prisons amidst their friends, a fortiori, I being neither convicted of Felony, Treason, nor any capitall offence, could not be lawfully kept close prisoner in the remote Castles of *Carnarvan* in North-Wales, and *Mountorgueil* in *Iersey*, where all my friends were by speciall order debarred from me, such an imprisonment being warranted by no former example, or president that I can finde.

By the * Canon Law, *the Judges ought to visit the Prisoners, and to see that they have all necessaries provided for them:* Therefore they ought not to be kept close prisoners, nor removed to remote Prisons, where neither their friends, nor those who adjudged them to the Prison can neither visit them, or provide any necessaries for them: And so my close imprisonment in *Carnarvan* and *Iersey* where my friends could neither relieve nor visit me; and where the Iudges who sent mee thither tooke no order for my diet, or any other necessaries, must be both uncanonicall and illegall at the best.

* *Summa Angelica Carter. Sect.*6.

When * *Robert Belknap, John Holt, John Crair, Roger Fulthorp, William Burgh* and *John Lockton* Iudges, in the 11. yeare King *Richard* the second, *were condemned to death by the Parliament, and their lives pardoned by the Queenes mediation; they were thereupon condemned to perpetuall exile into Ireland,* (but not shut up in any forraigne Castles

* *Holinshed p.* 464. *Walsingham. Hist. Angliæ, p.* 368

close prisoner as I was) *And though all their Lands and goods were forfeited; yet a certaine portion of mony was assigned to them for their daily sustentation in their exile*; So mercifull and just was the Parliament to these Traytors; whereas I had no such portion assigned to sustaine me in my exile; though seconded with the losse of my calling, aggravated with close imprisonment, debarring mee all meanes of subsistence, and an excessive fine which swallowed up all my estate.

Close imprisonment was not usuall among the *Iewes* or *Pagan Romans*, as appeares by *Pauls* case, *accused of Sedition*, and the like crimes as I was accused of: for wee reade *Acts* 23.16. *That Pauls Sisters sonne had accesse to him in prison, and discovered the* 40. *Iewes conspiracy to take away his life. Act.* 23.35. *We finde, he was kept Prisoner upon his remove to Cæsarea, in Herods judgement Hall: Yea, after he had beene accused by* Tertullus, *for a pestilent fellow, and a stirrer up of sedition among the Iewes throughout the world*, Acts 24.5. &c. yet vers. 23. *Fœlix when he had heard him, commanded a Centurion to keepe him, and to let him have libertie, and that he should forbid* none of his acquaintance to minister or come unto him*: yea, Act. 28. *Paul in his voyage, had liberty to cure all the sicke that came to him; to visit and lodge with his friends by the way: staying with them at Puteoli seven dayes.* And sayling from thence, *when the brethren at Rome heard of his comming, they came to meete him as farre as Apij Forum, and the three Tavernes*, which some reckon to be above forty miles: *When he came to Rome the Centurion suffered him to dwell by himselfe with a Souldier that kept him: where after three dayes, he called the chiefe of the Iewes to him, and reasoned openly with them.* After which, it is recorded Acts 28 vers. 30, 31. *that Paul dwelt two whole yeares in his owne hired house, and received all that came in unto him, preaching the Kingdome of God, and teaching those things which concerne the Lord Iesus with all confidence, no man forbidding him.*

* Note this

If then Saint *Paul* found so much liberty, though charged

ged with *stirring up sedition, &c.* even under the Tyrant *Nero* among Pagan Romans; It can neither be legall nor Christian, that I should be thus close imprisoned in forraigne parts, and my *Chester* friends so molested as they were, onely for visiting me in my passage at my Inne, and not going forth to meet me, as the Brethren at *Rome* went forth to meete *Paul*, and bring him into *Rome*.

Father Latimer in his ninth Sermon, the third *Sunday of Advent*, Anno 1552. hath this notable observation and discourse against close imprisonment, such as mine was. *The Evangelist S. Luke in the seventh Chapter, doth shew how and by whom Iohn Baptist heard such things which our Saviour Christ did, namely, by his owne Disciples, for when our Saviour had raised up the widdowes sonne, which was dead at* Naim, *the Disciples of Iohn came by and by unto Iohn their Master, and told him all things; namely how Christ raised up that same young man which had beene dead already. And this is a thing to be marvelled at, that Iohn had so much liberty that his Disciples could come to him and speake with him.* Herod *the King being a cruell man, a Heathen King, a miscreant, a man of unbeliefe. No doubt it is a great matter that his Disciples could have libertie to speake with him, for a man would thinke that no man should have beene permitted to come neare him. For I know that in Christian Realmes, some being cast into prison for truthes sake, for Gods Word sake, have not beene suffered, that their friends should have come neare unto them. And here it appeareth most manifestly, that Christian Princes have sometimes more cruely and extreamely used Gods Preachers, then the Gentiles used their Preachers, sent unto them from God to teach them; they were more straightly holden and more extreamely handled then Iohn was: So wee reade likewise of S. Paul, which was cast into Prison at* Rome *by that wicked and cruell Tyrant the Emperour* Nero, *which Emperour though he was a cruell Tyrant, a wicked man, and a venomous persecutor of Gods Church, and his holy word, yet for all that,* Paul *had libertie to speake with every one that would come unto him and com-*

mune with him. So that there came unto him who would, and they might speake with him, what they would: For St. Luke saith in the last Chapter of the Acts these words: Paul dwelt two yeares full in the lodging, and received all that came in unto him, preaching the Kingdome of God, and teaching those things which concerne the Lord Iesus with all confidence, no man forbidding him. *Here by these words we may perceive, that* Paul *had liberty to say his mind, and to commune with his friends, hee was not so straightly kept. But we see and have had experience, that Preachers which professe the same words, which* Paul *taught, are more straightly handled in Christiam Realmes, then in times past they were, when the Rulers and Princes were not Christians. Christian Princes be more earnest to extinguish Gods word and his true Religion, then the heathen were which knew not, nor would not know God.* Yea, none have beene so peccant in this kind as Antichristian Lordly Prelates (as appeares by the *English* and *French* bookes of Martyrs) most Kings and Princes cruelty of this nature, arising originally from the Prelates instigation, councell and procurement, as * Mr. *Tyndall* manifests.

Acts 28.

A note for Christian Rulers.

* In his obedience of a Christian man, and practise of Popish Prelates.

Had our Prelates beene of Father *Latimers* minde, (whom their predecessours, shut up close prisoner in *Oxford* without Bookes, Pen or Inke) they would not have shut me up so close, and beene more cruell to mee, then *Herod* was to *Iohn*, or *Nero* to *Paul*.

In a word, Christ himselfe hath pronounced such a heavy doome against all close imprisoners, and imprisonments, as should make each Christian heart to tremble: For *Matth* 25.36. *Christ at the last day shall say thus to the elect sheepe on his right hand; I was in prison, and yee came unto me. But to the Goates on his left hand he saith, Depart from me yee cursed into everlasting fire, &c.* (marke the reason) *For I was in prison and yee visited me not, vers.* 43. *Verily I say unto you in as much as yee did it not to one of the least of these, yee did it not to me.*

If then the meere *not visiting of Prisoners*, shall be just matter

matter of condemnation at the day of judgement; certainly the close imprisoning of them, and restraining not onely strangers but their very kindred, friends and wives to visit them, or so much as to set footing on the Islands where they were close exiled, under severe penalties, must needs be very unjust, and demerit a heavy censure now, but a heavier hereafter, when Christ himselfe shall sit as Iudge, and give sentence in this cause.

My close imprisonment therefore being unjust in these respects, I shall conclude with * *Gratian* and *Summa Angelica. Incarceruns aliquem injustè sive sit Iudex, sive non; tenetur de omni dammo ei dato ad restitutionem, & etiam de Injuria sibi satisfacere:* hee that imprisons any man unjustly, be he a Iudge or be hee none, is bound to make restitution to him of all the dammages done unto him, and likewise to satisfie him for the injury. I hope my Iudges will doe thus.

* *Dist* 14. qu. 5 *Summa Angelica Carter* 3. *fo.* 201.

That my Exile and Banishment into Jersey, and that by an extrajudiciall Order of the Lords, without hearing of me, is against Law. Point 8.

Among the *Athenians, Grecians* and *Romans* (amongst whom *banishment was* * *first introduced by Tarquin* the proud, and *Hippias*, as *Plutarch, Aristotle* and * *others* *testifie*) *none ought to bee banished nor exiled their country, but by a publike Act of the whole State or Senate, not by any private Iudicature.*

* *Diodorus Siculus, pag.* 380. 404. *Salust pag.* 49. *Ælian. var. Hist. pag* 320. *Aristot. polit. p.* 202. *to* 206.

So by the Lawes of *England*, none shall bee banished this their native country but by Parliament.

By *Magna Charta, c.* 29. *No freeman shall be taken or imprisoned, &c. or be outlawed or EXILED or any otherwise destroyed, but by the lawfull judgement of his Peeres, or by the law of the Land*; cited in the Petition of *Right* 3. *Caroli*, where it was lately confirmed: No exile therefore but by the Law of the Land.

The Statute 1. Ed. 3. c. 2. with the *Prologue*, proves, *that no Exile, or banishment can bee made but by the award of the Peeres and Commons, and by the Kings consent in Parliament.*

* *Walsingham Hist. Angliæ p. 366. Ypodigma Neust. p. 152.* * *Hollinshed p. 328. Speeds Hist. pag. 674*

Thus * *Spencer* and *Pierce Gaviston were exiled by speciall Statutes, and Belknap, Holte, Fulthorp and Burgh, by speciall Sentence of Parliament.* Yet the * *Spencers petitioned against their exile, as contrary to Magna Charta, because the award of their exile was made without the Prelates; who* (as they alleaged) *were Peeres of the Parliament as well as the Temporal Lords, and so not made by full Parliament: & because, they were not called to answer when they were banished. Which Petition being referred to the Archbishop of* Canterbury *and his Suffragans, assembled in a Provinciall Councell,* Anno Dom. 1319. *in the* 15. *yeare of* Edward *the second The Prelates upon deliberation had, declared: that in their opinion, the award as touching the disinheriting and banishing the* Spencers *was erronious, and not rightly decreed; and for themselves, they denied that they either did or could consent thereunto; and therefore they required that it might be repealed, as contrary to Law and right. Foure Earles likewise declared as much, and so did the Barons and Lawyers: Whereupon the King judicially revoked and quite disannulled the proces of the sayd award touching the banishment and disinheriting the* Spencers, *and restored them to his peace and their proper estates.*

If then this exile by Parliament were erronious, illegall, and against *Magna Charta* by the Prelates, Peeres, Iudges, and Kings owne resolution: then much more must mine, by a private Order at Councell Table, made in the long vacation, in my absence and close imprisonment at *Carnarvan*, without any new cause or offence on my part, and in direct opposition to the Star-chamber decree in open Court, which adjudged mee to perpetuall prison in *Carnarvan Castle*, which sentence a private Councell Table order must controll.

By 39. *Eliz.* c. 4. *dangerous Rogues after conviction at quarter*

quarter Sessions shall be banished this Realme, and all the dominions thereof, and conveyed to such parts beyond the Seas as the Queenes Privy Counsell, or six or more of them (whereof the Lord Chancellor, or Treasurer to be one) shall assigne, or otherwise bee judged perpetually to the Gallies of this Realme.

If Rogues cannot be banished but by speciall Acts of Parliament, then much lesse free men of better quality.

Abjurations, a kind of exile, are onely in cases of *Felony* or *Treason* by the * Common-Law, and one not capitall by * Act of Parliament; But these are onely voluntary, at the election of the parties, who have free liberty to passe out of the Realme; and ever enjoyed the liberty of those places and countries to which they were exiled.

* See *Fitz.* and *Brooke tit. corone.*
* 39. *Eliz.* c. 1.

But this my exile into *Ierſy* was involuntary (without any new conventing cause shewed, * or hearing of me,) and that onely by an extrajudiciall Order of the Lords in the Summer vacation, quite crosse to my former Sentence: and the conveying of mee close prisoner thither, and keeping mee still close prisoner there, in such sort that no man whatsoever should either speake with mee, or write to mee, is such an unusuall strange banishment and exile, as no former age or history can parallell; and hath no semblance with these abjurements.

* *Nihil potest judicio fieri magis contrarium, quam sine judicio proscribere aliquem. Demosthenes, Tom. 2. p. 100.*

The exiling of villaines out of a manner to which they are regardent, is Waſt: for which treble dammages shall be recovered, as our * *Law-bookes resolve.* Therefore the banishing and exiling of Freemen out of their native country, and that for no capitall crimes, and there shutting them up close prisoners, must needs be a greater offence, deserving higher damages then treble ones.

* *Fitz.* and *Brooke Tit. waſt.*

The Statutes pre-recited against citing men out of their dioceſſe, and going out of their Shires with their armes, unlesse in case of suddaine innovation, imply the unlawfulnesse of exiling mee and my brethren into forraigne Islands without lawfull cause. I shall close up this point with one notable ancient resolution.

The

The famous Christian Emperour *Constantine* the great the honour of our Nation, (borne and crowned Emperour first in *England*) deemed the exile of godly Christians (especially into remote solitary Islands, of which they had yet the liberty) practised by his persecuting Pagan predecessors, not onely a cruell thing, but an unjust, altogether *contrary to the Nature of men*; whereupon hee made these two Lawes.

The first intituled* *A Law for the freeing of Banished men*, to this effect. *Omnes igitur qui CRVDELIBVS IVDICVM SENTENTIIS subjecti, &c. Therefore all those* who by THE CRVELL SENTENCES OF THE IVDGES, at what time soever it happened to them, have beene compelled to change their country with exile (or adjudged to banishment) because they neglected not what made for the honour of God and Religion, to whom they had consecrated themselves with the whole power of their soule: All these I say, being restored both to their hereditary possessions, and their accustomed tranquility, may give thankes unto God the liberator (or setter free) of all men: And those who having beene deprived of their goods, and oppressed with the losse of all their fortunes, have hitherto lived a most abject life, these likewise being restored to their former houses, families and goods, may cheerefully enjoy the beneficence of God who is best and mightiest.

* *Eusebius de vita Constantini, l. 2. c. 30.*

The second law inscribed, * *A law for reducing those who were banished INTO ISLANDS*; (as I and my fellow prisoners have beene) which runs thus. *Moreover, we command, that those who are DETEINED IN ISLANDS AGAINST THEIR WILS, shall enjoy the benefit of this our provision and care, to wit, that whereas hitherto they have beene shut up on every side in the narrow cliffes of Mountaines, and environed with the raging waves of the Sea, jam ACERBA ILLA SOLITVDINE, ET A NATVRA HOMINVM PENITVS ALIENATA LIBERATI, that now being freed from that* BIT-

* *Eusebius de vita Constantini, l. 2. c. 31.*

TER

TER SOLITARINESSE, VTTERLY CONTRARY TO THE NATURE OF MEN, (man being *a sociable creature by nature*, as *Aristotle* long since defined) *satiated with the desire of those things they wished for, they may returne againe to their most beloved friends: And where as they have lived a long time in a squalid and sordid odious condition, having obtained a returne, as a suddaine and unexpected prey, and being freed from cares and troubles hereafter, they may live a life, void of feare, under our Empire.*

Seeing then this our famous Emperour *Constantine* neare 1300 yeare since, hath thus adjudged the exiles of Christians into solitary Islands, not only a cruell, but an unnaturall thing, which humane Nature abhores, & thereupon made these publike lawes, to free all Christians from it, and to restore them to their goods, houses and former possessions, I hope this honourable Assembly, will bee of the same judgement with him; and resolve our *Banishments* into forraigne solitary Islands, (aggravated with a close imprisonment, and other restraints not usuall in former ages) not only cruell and inhumane, but most unjust and unchristian; especially proceeding from Prelates, who should only fold their sheepe to preserve them from the Wolves; not banish and close imprison them to destroy them. And thereupon restore us to our liberties, goods, houses, callings, and former possessions; and give us dammages for our losses.

Point. 9 *That the prohibiting of me Pen, Inke, Paper and Bookes, is against Law.*

NO Law or Statute of this Realme, inhibits any man in any Case, from the use of Pen, Inke, Paper, and Lawfull Bookes, the use whereof is permitted, not only to all Felons, but even to Traytors themselves, unlesse in some Cases of inconveniency for a short space. This restraint therefore being perpetuall, and in a case which is neither Felony nor Treason, must needs be against Law; especially in my exile, where I had not so much as liberty allowed me, to write to my friends for necessaries.

The abuse of any Lawfull and necessary thing, never takes away the use of it. Therefore the Law deprives not gluttons any drunkards of meat, & drink which are necessary (for then they should bee starved) but only punisheth them for the abuse: By the same Reason, admit Mr. *Prynne* had abused Pen, Inke, Paper and Bookes, which were necessary for him both to write to his friends, for what he wanted in his exile, and to passe away the tedious houres of his close imprisonment (his bookes being then his sole & best companions) yet this was no cause to debarre him wholly of the use of them, but only to punish him in case he should then abuse them.

* See Mr. *Fox* his Acts and Monuments passim.

The Popish Prelates (as **Bonner*, *Gardner*, and others) brought in the custome of close imprisonment, and debarring the use of Pen, Inke, Paper, and bookes to our Godly Martyrs whom they persecuted, as appeares in the case of Master *Philpot*, and others, which practice in our English booke of Martyrs, is branded for most unjust and Tyrannicall.

Therefore

Therefore not to be approved or revived now, as Lawfull and warrantable; the rather because *Stephen Gardiner*, during his close imprisonment in the Tower, and fleet, in King *Edwards* dayes, had the use of Pen, Inke, Paper and Bookes, as appeares by his * *Letters to the Lord protector.*

* *Fox* Acts & Monuments old Edition. p. 718. to 749.

A Booke in Latine is called *Liber*, signifying *Free*, because *Free* for all men to read, when once published by lawfull authority: To debarre men then from reading lawfull bookes, is both against the *Freedome* of the *Subjects*, and of bookes themselves; intituled *Libri, quasi Liberi, Free.* When *Ovid* for his wanton bookes of love, was banished by *Augustus* into the Isle *Pontus*, he had the liberty of that Island, and the benefit of bookes, and of Pen, Inke and Paper, to write to his friends, and others, and to compose new Poems, as is evident by his bookes, *de Ponto*, & *Tristium.* And these Elegies and letters of his had free passage, without any restraint or intercepting; as appeares by his

* *Parve (nec invideo) sine me liber ibis in urbem.*
Hei mihi, quòd domino non licet ire tuo &c.
Vade liber, verbisq; meis loca grata saluta.
Si quis ut in populo nostri non immemor illo;
Si quis, qui quid agam forte requiret erit;
Vivere me dices, salvum tamen esse negabis;
Id quoque quod vivam munus habere Dei.

* *Ovid.* Trist. l. 1. Eleg. 1.

If then *Ovid* had such liberty under a heathen Emperour in his Exile, I feare my Exile, seconded with a close imprisonment, with a restraint of pen, Inke & Paper either to petition or write for necessaries, & a command to intercept all letters to or from me, will scarce prove legall or Christian.

When *Thrasimond* the cruell *Arian* persecuting King, banished sixty Orthodox Bishops of the Province of *Byzazen* in Affrick, into the Island of *Sardinia*, of which *Ful-*

gentius was the most eminent; *they had all the liberty of that Island, the mutuall comfort and society one of another, and of their friends and people, who might freely visit them; free liberty to meet, preach, and pray together; to write Bookes in defence of the truth, and consolatory and exhortatory Letters to their friends and others*; as the* Authors of the life of *Fulgentius*, which their* *Letters still extant, evidence.* Yet I, and my brethren were (through the Prelates malice) envyed this liberty in our exiles, under our most gratious Christian King, honoured with the Title, *of defender of the Faith*; which these Godly Bishops injoyed under this cruell *Arrian Tyrant.*

When S. *Iohn* was banished by that barbarous Tyrant *Domitian* into the *Isle of Patmos, for the word of God, and testimony of Iesus Christ*; he had the liberty of the Isle, and of Pen and Inke; as appeares by *Rev.* 1. 9. 10. 11. 19. Where the spirit of God expressely commands him, WRITE *the things which thou hast seene, and the things which are, and the things which shall be hereafter*: and *Rev.* 2. 1. 8. 12. 18. c. 3. 1. 7. 14. 4. c. 14. 13. c. 19. 9. c. 21. 5; *He is oft enjoyned to* WRITE, *this and that*; & in his exile, as* all accord, *he writ this booke of the Revelation.* If Saint *John* had so much freedome in his exile, under this bloody and persecuting heathen Emperour *Domitian*, it cannot be lesse then the extremity of injustice to debarre me such liberty in my close imprisonment and exile, under my most gracious and Christian Soveraigne. Alas! how strangely babarous, inhumane and unchristian are Prelates, to deny me and my fellow prisoners the *liberty of Bookes, Pen, Inke, and Paper, to order all letters to, or from Vs to be intercepted in our close imprisonments* even in exile, when as such rigorous severity was never exercised towards Christians, by the most cruell persecuting Pagans?

* Ribadeneira fleurs des vies des sanicts. part. 1. p. 76, 77. And the Author of his life before his workes. c. 29.

* Fulgentius, de fide ad Petrum diac. Epist. Episc. in Sardinia Exulum.

* Eusebius Eccles. Hist. l. 3. c. 18.

That

That the inflicting of these various kinds of punishments on me for one and the same offence, is against the Law of the Realme.

Point. 10.

THe Statutes of 3. *Ed.* 1. *c.* 33. 2. *Ric.* 2. *c.* 5 enact, *that the publishers of false Newes, lies, and Fables against Prelates, Dukes and Peeres of the Realme, shall be punished only with imprisonment*; without fine, or corporall punishments.

4. and 5. *Phil. and Mar. Dyer.* 155. a *Odnols Case*, it was *resolved, that he for speaking horrible and slanderous words against Queene* Mary, *could only be imprisoned at the will of the Queene, according to these Acts, not pillored, stigmatized and bereft of his eares.*

1. *and* 2. *Mariæ c.* 3. and 23. *Eliz. c.* 2. enacted, *that for scandalous, Libellous and seditious Newes against the King and Queene, the offendor upon his conviction, shall only stand on the Pillory, loose both his eares, if within two monthes space he redeeme them not, by paying a fine of two hundred Markes, or two hundred pound into the Exchequer, and suffer only three or six monethes imprisonment at most.*

In Cases of *High-Treason* and *Felony*, the Judgement is only * *to bee hanged drawne or quartered*, and to *forfeit Land and goods.* And where *Clergy is allowed* there *to bee only branded in the hand*, without any fine, losse of member, or perpetuall imprisonment.

* See Fitz. and Brookes crown, and Iudgement.

In all Criminall Cases at the Common-law, which are

not capitall, * fining and imprisonment, are the sole punishments; neither can there be any addition of penalties to these, but by speciall Act of Parliament.

* See *Fitz* and *Brooke*, Tit. Fine pur contempts & Imprisoment.

The same law was among the *Iewes* and *Babylonians*, as appeares by *Ezra* 7. v. 26. *whosoever will not doe the will of thy God, and of the King, Let judgement be executed speedily upon him; Whether it be unto death, or to banishment, or to confiscation of goods, or to imprisonment.*

Where note, that each of these were distinct punishments severally inflicted for severall offences, not conjoyned and heaped altogether upon one man, for one and the same offence; neither is there any cropping of eares, searing of Cheekes, or perpetuall close imprisonment in exile here mentioned, which were unknowne in that age.

The accumulation therefore, of all these distinct penalties on me at once, for one and the same pretended offence, must needs be illegall and unjust.

Point. 11.

That the taking of the Bill Pro Confesso *against me for my Counsells default, is against Law.*

IN 17. *Ed.* 4. 5. 18. *Ed.* 4. 22. 23. *Br. Arbitrement* 39. 51. *If A. and B. submit themselves to the Arbitrement of C. for all differences; and C. awards that, A. shall enter into Bond to B. with D. and E. as sureties, by such a day; This award hath beene adjudged there, and oft times since both void in law and unreasonable; because A. hath no meanes to compell D. and E. to be bound with him, in case they refuse, & it is not in A. his own immediate power to fulfill this award.*

By

By the same reason I being a close prisoner, and having no meanes to constraine my counsell to signe my answer by such a day as was prescribed, when they refused to doe it, this award that the information shall for this cause bee taken against me *Pro Confesso*, must needs be unreasonable, and void in Law, since it peremptorily enjoyned me to performe, that which was not in my power to performe.

11. *Hen.* 4. *Baron and Feme. Br.* 38. 53. 65. 73. *The default of the wife in an action against the husband, shall not be the husbands default, so farre as to make him liable to imprisonment or corporall punishment.*

Much lesse then, my Counsells default mine, since I have not so much power over them, especially being close prisoner, as the husband hath over his wife.

Little. Sect 435. 436. 437. *A recovery by default against a man in Prison shall be avoyded by a writ of Error, because he was in prison at the time of the default made. So imprisonment shall avoid a discent, outlary, and Fine.*

Therefore my close imprisonment may justly avoid my pretended contempt in not answering by a set day under my Counsells hand, which I could not remedy, having no free accesse unto them, nor meanes to solicite or instruct them, my servant and selfe, being both shut up close prisoners.

4. *Hen.* 7. 3. 2. *Ed.* 4. *Br. Condition* 127. 140. *A condition impossible is void in Law, and when the obligee himselfe is the cause of the disability to performe the Condition, no advantage shall be taken of it by him.*

But here the condition, to put in my answer under my Counsells hand, was impossible for me to performe, by the Courts owne Act. of Close imprisonment, which disabled me, by under-hand threatning of my Counsell, and by refusing to accept my answer when tendred; therefore void in Law.

All

Object. * The Lord Keeper made this objection.

All that was * objected to take the answer *pro confesso* was this; *That if a fellon refuse to answer and put himselfe upon his triall, he shall by the Law be judged guilty, and pressed to death*; for his contempt.

But this case comes nothing to the purpose; For,

1. First, I desired to put in my answer under my owne hand, and tendred it; but the Court refused to admit it.

2. Secondly, I desired to put in an answer under my Councels hand, which when it was engrossed, my Counsell by some of the Court, (as he informed mee and others) was threatned, and commanded not to signe it.

3. Thirdly, I tendred my answer under another of my Councels hands in the Office before, and in open Court at the hearing, desiring to put my selfe upon a legall triall. But the Court would not admit it, that so I might not justifie my selfe. Therefore the case is quite different from that objected, there being a voluntary contempt in that, but none at all in me.

4. Fourthly, most of the charges (specially those concerning *Innovation in religion*) being matters of fact, and to be proved and justified by examination of witnesses onely, the rejecting of my answer, and taking it *pro confesso* did both make me guilty, though innocent, without any proofe or witnesse; and deprived me of all meanes of justification and defence.

That this taking me *pro confesso*, under pretence of a contempt for not putting in my answer under Counsels hand, and denying me to put in my answer under my owne hand, is against Law, yea and the very course of the Star-chamber; I shall make it most apparant by this one late president of Doctor *Laiton*, worthy observation.

In

Interiori Camera Stellata ſeptimo die Maii Anno Sexto Car. R.

UPon information this day to the Right Honourable the Lord Privie Seale by his Majeſties Atturney Generall, that he having exhibited an information into this Court againſt Alexander Leighton *defendant for publiſhing and making a ſcandalous and libellous Booke, and to avoyd the defendants delayes had procured Counſell to be aſſigned for him, and yet the ſaid defendant hath not yet anſwered, the time limited by the rules of the Court for the putting in of his anſwer being expired: It was humbly* [1] *prayed, leaſt the defendant* [2] *thereby* * *excuſe his contempt in not anſwering, if his councell ſhould refuſe to ſet their hands to ſuch an anſwer as he ſhould tender, that the ſaid defendants anſwer might be received with his owne name ſet thereunto, which his Lordſhip held* [3] *fit, the ſame being* [4] *warranted by former preſidents. And hath* [5] *ordered it ſhall ſo be. And it is likewiſe ordered, that* Maſter Hudſon, *who was heretofore aſſigned to be of the defendants Counſell be ſpared herein.*

Io. Arthur dep.

In this order concerning Doctor *Layton*, there are ſeven things very conſiderable.

1. That the Kings Atturney himſelfe (not to Doctor) doth move the Court that Doctor *Layton may anſwer under his owne hand, and not under Counſels.*

2. That the *Court held it fit, and ordered that he should doe so.*

3. That the ground of this motion and order was only this. *Lest he should thereby excuse his contempt in not answering, if his Counsell should refuse to set their hand to such an answer as he should tender.*

In which reason these two things are implyed: First, that Counsels refusall to set their hands to their Clients answer tendred to them, is a sufficient ground to excuse the Client from contempt.

2. That where the Councell refuse to signe the Clients answer, there the answer ought to be accepted under the Clients owne hand, he being the only party that must either gaine or suffer by the answer, and the answer being still in point of law the Clients only, not the Counsels.

4. That this motion of the Kings Attourney was made, *after the time of putting in his answer was expired*, and before either he or the Court were certainly informed, that his Counsell refused to signe his answer, as the words, *Lest the defendant should thereby excuse his contempt in not answering*, strongly import.

5. That this ordering the defendant (though no *Lawyer* but a *Physitian*) *to put in his answer under his own hand*, was *warranted by former presidents*, and therefore *thought fit and ordered then to be done againe.*

6. That the *Court* doth here absolutely *spare and discharge the assigned counsell from subscribing the defendants answer*, before the Court were certaine that he had refused to signe it, upon a jealousie onely that *perchance* he might refuse to doe it.

7. That here is no motion at all, to take the Information *Pro confesso*, for not putting in an answer by the day assigned under Counsels hand; but quite contrary,

trary, *that the party may put in an answer, in this case under his owne hand, without his Counsels.*

To apply these particulars to my owne Case:

1. I oft Petitioned the Court to put in my answer under my owne hand, and yet was still denyed: Master Attourney moving, and the Court ordering quite contrary to what was moved and ordered here, that I must peremptorily put in my answer under my Counsells hand.

2. The Court held this my Petition unfit, though once a *Barrester at Law*; and ordered point blanke in my case, against what they ordered *as fit* here, but few yeeres before.

3. The Court made this order for putting in my Answer peremptorily under my Counsels hands, after I had many times certainly informed them by my Petitions and other that my Counsell would neither draw, nor signe my answer; and adjudged me to be in a contempt for not answering, only for my Counsels default, in not signing the answer which they drew, and promised to signe, upon some under-hand command received (as they confessed) not to signe it.

4. That this order for my answering by Counsell, was made not after, but before the time, for my answers in-coming was expired.

5. That neither former presidents, nor this late one, no nor yet the reasons I alleaged in my Petitions, would move the Court to grant me liberty to put in an answer under my own hand, in the default of my Counsell, much lesse to Order that *I* should doe so; strange justice, to deny that only as unfit to me, which was so frequently granted before without any contradiction, as both *fit* and *just* to all others who desired it, yea, to such who never desired it, in that earnest way of petitioning as I did.

6. That the Court did absolutely discharge mee from answering, as if the answer no wayes concerned me, and imposed the sole charge of answering on my Counsell, whom the answer nothing concerned, and who were unwilling, and commanded not to signe my answer.

7. That the Attourney never moved, that I might answer, but only that the Information might be taken *Pro confesso* against me, for my Counsells not answering for mee.

The summe of all is this; Either this order and the reasons and former presidents warranting it, were just, or unjust. If just, why did this high Court of justice make and approve them as just? If just and equitable, then it must be the extremity of injustice, to deny to me upon my Petitions what was readily granted to others, as *fit and reasonable*, upon the prosecutors owne voluntary motion. And what the Court resolved a just ground of excusing a contempt in them, cannot without great injury be censured most severely, as an inexcusable grand contumacy in me and my co-defendants, as it was so doomed and censured in our case, witenes the very words of the decree: *upon full and deliberate hearing it appeared to the Court, that the defendants*, Bastwicke *and* Prynne *had contemptuously refused to answer the Information after severall dayes given*; when as both of us tendered our answers, and oft petitioned that they might be received under our owne hands, yet the Court would not admit and receive them, as they have other mens answers heretofore in our condition. Will you know the reason? *The Bishops foot was in the pot:* and *they turned* our *Ius*, and * *Iudgement into wormewood*; our broth into *Gall and bitternesse*.

* Amos 5.7. cap.6.12.

The

The difference between my two censures, and the proceedings in them, shewing the Prelates cruelty and injustice to bee transcendent.

Point. 12.

1. IN the first case presupposing high and hainous offences both against the King, Queene, State, Court, Nobles, Magistrates, People, There was a fine onely of 5000*l.* imposed, and that not by the vote of the whole Court: In the second, onely against the Prelates, a fine of 5000 pounds imposed by an unanimous vote of the whole Court.
2. In the first, there was no stigmatizing on the cheekes: In the second there is.
3. In the first a more moderate execution upon my Eares. In the second a barbarous execution with excesse and cruelty, to the danger of my life, being cut close into the cheeke neare the jugular veine, and thrice branded, which exceeded the sentence.
4. In the first there was onely an imprisonment at large, and that in the Tower of *London*: In the latter a perpetuall close imprisonment, and that in a ruinous remote Castle, at *Carnarvan* in *North-Wales*, farre from all friends and comforts.
5. In the first, there was no close imprisonment of my servant, or restraint from Pen, and Inke to prevent my answer, no order given to counsell not to signe an answer when drawne and engrossed by them; no refusall of an answer when tendred, under counsells hands; no restraint of my Servant

or friends to attend mee during my sores, no close imprisoning of my Servant to inforce him to accuse mee his Master. In the second there is all this indirect and injurious proceeding, and farre more.

6. In the first, there was no restraint of Pen, Inke, Paper and Bookes, from me. In the latter is a restraint of all these, and that by an extrajudiciall Order after the sentence, being no part of the decree.

7. In the first, there was no restraint of any friends to visit me freely, nor penalty inflicted on any who came to see me: here a restraint of all friends whatsoever (and of my fellow-prisoners Wives) so much as once to visit me, and a severe proceeding and censure inflicted on my friends of *Chester*, onely for visiting me in my passage there, though there was no order to the contrary.

8. In the first, there was no Exile or conveying mee close prisoner in the winter time through dangerous seas to a forreigne Island by an extrajudiciall Order of the Lords in the long vacation. Here we finde all this and more, after the second censure.

9. In the first, there was no banishment to, nor close imprisonment in a forraigne Island, without any cause, or conventing of mee before the Lords. In the last cause there is all this: and not onely a close imprisonment of me in a forraigne Isle, but that seconded with a direct Order, that no friend or person but my keepers only should once speake with mee, that all Letters to mee should be intercepted, and that I should neither have the use of Pen, Inke or Paper at any time, so much as to write for necessaries, nor the use of any books (though licensed) but the Bible, and some few bookes

bookes for private devotion. A president which no age can parallell.

10. In the first there was no opē libelling against me in Pulpits, and that by speciall order and command from some prelates, entred in their registers: in *books* printed by authority, and in the high-Commissions, no burning of my pictures at the open High-Crosse at *Chester*, no ransaking of my friends houses, studies, bookes, writings and vexing them in the high-Commission. In the second all these vexations, oppressions, and injuries concurre.

Such difference is there betweene the proceedings and censures in cases of Prelates, and of the Kings Majestie, and all other persons. Neither had the first censure against me beene so extravagant, multifarious and rigorous had not the prelates beene the promoters of it, and infused their *rancorous* influence into its denuntiation, and execution, God deliver all innocent lambes, from such blood-thirsty, and mercilesse * *Wolves*, * *whose very tender mercies are cruelties*, and have proved such to me. For when they could not strangle me, (as they endeavored) in three several pillories, murther me by duplicated wounds, drowne me in my winter voyage through dangerous Seas, starve mee by stripping mee of my meanes and calling, and shutting me up close prisoner, not allowing me any maintenance or diet to support me at home; they would yet trie to famish me by an exile, and most strict close imprisonment among strangers abroad, where no friends nor letters might have accesse unto me; and when all these fayled, they would yet martyr mee in my bookes, and portraytures (as an heretique,) which they publikly burnt to ashes, to manifest, that they would have done as much to my person, but that they wanted power; And yet after all these tortures, and vexations, (enough to satiate the most malicious, and content the most revenge-

* Acts 20. 29.
* Pro. 12. 10.

full spirit; their rage is not yet wholy diverted away from me, *but their hand*, as farre as they dare, is *stretched out still*, to worke mee further mischiefe if they may. *Tantæne animis cœlestibus Iræ?* Those soules I feare, are scarce Cœlestiall which are fraught with so much wrath and malice against mee, as knowes neither end, nor measure. The Lord rebuke and pardon this their iniquity, and not repay it into their bosomes, as they demerit. I proceed now to the last thing, which is but collaterall to my former censures, and concernes my *Chester* friends as farre as my selfe, to wit.

Point 13. *THat the* Chester *Mens visiting of mee at* Chester, *in my passage to* Carnarvan *was no offence: that the fining of them for it in the High-Commission at* Yorke, *and the burning of my pictures by their order at the High-Crosse in* Chester, *is against Law; and that the Commissioners have incurred a Premunire thereby.*

1. THe visiting of Master *Prynne* by his friends, in his passage, can be no offence at all, first because no Law, Statute, Proclamation nor yet order of the Lords of Star-Chamber prohibited it, and *where no Law is, there is no transgression*, Rom. 4. 15. Secondly, because Traitors and Fellons with other criminalls of the highest nature may bee, and are dayly visited by their friends without any restraint or offence in all places, where they are imprisoned: the Lord Deputy, and Archbishop though committed for high Treason by the Parliament, being thus dayly visited by their friends without offence or censure. Much more then might a delinquent of inferiour nature, be visited by my friends in my passages:

sage, especially when they thought they should never see mee more. Among the Ecclesiastick Lawes of King *Edward* the elder and *Guthurne* the Dane, I meet with this act * c. 10. *Si cui membrum corporis sceleris admissi causa præcidatur* (which was onely in case of capitall crimes) *isque has noctes superstes fuerit, quisque deinceps IMPUNE, aut ejus vulneri medicinam, aut animo consolationem adhibeat.* It was therefore no offence in those dayes to visit malefactors after judgement denounced against, and demembration executed upon them; the Bishop was then to license men to visit them, in case they were Excommunicated for those offences as this clause, *impetrata tamen ab Episcopo venia*, imports. Thirdly, because the *visiting of prisoners*, and other afflicted persons, *is a Christian duty, injoyned and commended by God and Christ in* Scripture, where the not visiting of them is likewise branded *for a damnable sin*, Matth. 25.35.36. 41,42,43,44. *Iames* 1. 27. *Acts* 28. 10. 14,15 30 31. *Cap* 24.23. Therefore it was no offence, but a Christian and commendable act in them, to visit Master *Prynne*. And so not censurable by the high Commissioners, unlesse * *Nihil nisi aliquod grande bonum à Nerone damnatum*, may be rightly verifyed of them.

* *H. Spelmanni conc. Tom. 1. p.* 39.

* *De membro truncato post tertium diem subveniendo.*

* *Tertulliani Apologia.*

If it were an offence, yet it was onely civill, punishable in the Star-Chamber, where he was censured, not in the High-Commission, which hath conusance onely of Ecclesiasticall crimes. Now the high Commissioners themselves acknowledge this act meerely civill, first because they * confesse it an affront or contempt against the Star-Chamber, where Master *Prynne* was censured, for presupposed libellous and seditious bookes, not against any Ecclesiasticall Court, wherein he was never censured for any Ecclesiasticall crime. Secondly, because they impose on the *Chester-men* a temporall punishment, as *fining*, *imprisonment*, and an *acknowledgement*

* In their Articles and censures, against *Chestermen.*

of this offence in the common Hall at Chester *before the Major, Alderman, and others there assembled*; not an Ecclesiasticall excommunication. Thirdly, because my pictures being no Ecclesiasticall, but civill things, and I no excommunicate person, the having of the one, and visiting the other, could be but a civill crime, if any. And so the high Commissioners questioning of them for a meere civill thing or offence, must needs involve themselves in a *Præmunire*; as will be cleere by these insuing presidents and authorities.

3. EDward the first, *among the presentments in Eyre in that yeere; I find some Ecclesiasticall persons presented, for suing others, and for houlding Plea in Spirituall Courts, for things belonging to the Kings temporall Courts, in derogation of his Crowne and Dignity*; for which they were *fined and imprisoned by the Justices*, And that by the Common-Law, before the Statute of *Præmunire.*

21. E. the first, *In the Pleas of the Parliament* Plac. 17. and in *Dorso Clauso* 21. E. 1. m 3. John *Archbishop of* Yorke *in his Spirituall Court sued, Excommunicated, and thereupon imprisoned in the Castle of* Durham, William *of* Willicon, *and* John Rowman, *servants to the Bishop of* Durham (*then absent*,) *for the custody of certaine Lands, to which the said Archbishop pretended right; The custody of which Lands, being a temporall matter, belonged not to Ecclesiasticall cognisance; The Archbishop refusing to absolve and inlarge them, they complaine, and sued him for this unjust proceeding, in Parliament*;

ment; where after a long and full debate, it was at last resolved by the whole Parliament; that the Archbishops excommunication of them in his Ecclesiasticall Court for a temporall thing, was a high contempt against the King, to the Disinheriting of his Crowne and dignity; Whereupon the Archbishop (though great mediation and friends were used in his behalfe) was by the whole Parliament adjudged; first, to be imprisoned. Secondly, to make his submission to the King. Thirdly, fined 4000 *Markes to the King* (a great fine in those dayes:) After which the Archbishop *making many friends to the King, he at last accepted of his submission, and pardoned his imprisonment, but would not abate one penny of his fine, for which he made him presently enter into a Recognisance of* 4000 *markes, for the payment thereof.* All which appeares by the record it selfe.

THese high Commissioners offence (in which the Archbishop of *Yorke* was chiefe,) in censuring my friends far visiting mee without any colour of Law or Reason, is far greater, and savours of more malice, and injustice by far, then this Archbishops crime; and so demerits a more heavy censure.

44. EDward. 3.36. *Brooke Premunire* 5. *If a Vicar Lease, his Vicaridge for yeares or life, rendring rent, and sue for this rent in the Ecclesiasticall Court; a Premunire lieth against him, because the rent reserved is a lay thing; these three cases were before the Statute of Premunire.*

16. Rich.

16. Richard 2. *cap.* 5. *It was inacted, that if any purchase or pursue, or cause to be purchased or pursued in the Court of* Rome; *or else-where, any translations, Processes, Excommunications,* Bulls, *Instruments, or other things which touched the King our Lord, against him, his Crowne or Regality; or his Realme, that their Notaries, Procurators, Maintainers, Abettors, Fautors, and Counsellors shall be put out of the Kings Protection; their Lands and Tenements, goods and Chattles forfeited to the King, and they attached by their bodies, if they may be found.*

Since this Act it hath oft beene resolved in our Law bookes, as 5. *Edward* 4. 6. *Br. Premunire* 12. and *Fitz.* 5. *Doctor and Student*, Fo. 116. 119. *Crompton: Iurisdictions of Courts.* f. 97. 10. H. 7. 9. *Fitz Impris.* 28. (& thereupon complained of by the Prelates without successe, as appeares by *Mathew Parker Archbishop of Canterbury*, in his *Antiquitates Ecclesiæ Britannicæ.* pa. 323 326. 327. 328 336. & Master *Fox* in his *Acts and Monuments* printed at *London* 1610 page 645.) *That if a man be sued or Excommunicated in the Bishops, or in any other Ecclesiasticall Court for debt, trespas, right of Patronage, or any temporall things, not appertaining to the Ecclesiasticall, but to the Kings temporall Courts; a* Premunire *lieth against him, by this Statute, of* 16. Rich. 6. *c.* 5. *which sayeth; If they sue in the Court of* Rome, *or elsewhere*; which word *elsewhere*, is meant of the Bishops Ecclesiasticall Courts.

If

IF the meere suing for a temporall thing in a spirituall Court be a *Premunire*, much more then the severe censure of the *Chester-men*, for no crime at all; (or at least wise for a civill offence, if any) must deserue a *Premunire*.

21. EDward 3.F.60. Cromptons *Iurisdiction of Courts Fol.* 97. Br. *Premunire* 21. *If a Bishop visit or intermedle with a* Donative, *which is but a lay fee; or visit a free chappel or place exempt; he incurs a* Premunire: *thus* Barlow *Bishop of* Bath *and* Wells *for visiting the Deane and Charter thereof incurred a* Premunire, *in King* Edward *the sixth dayes, as* Brooke there relates: *for which hee was glad to compound*, And before him, *William Bateman* Bishop of *Norwich* did the like, *for visiting the Abby* of Saint *Edmonds Bury*; for *which he was fined* 30 *Tallents of gould to the King*; (amounting to 3000 pounds or more) as *Johannes Anglicus, Historiæ Auitæ. c.* 49. *and the* Author *of the catalogue of the Chancellours and Colledges of the University of Cambridge*, *Aula Trinitatis*, relate. If the mere visiting of a lay fee, or place exempt, demerit such a penalty, much more the severe punishment of the *Chester-men*, onely for visiting Master *Prynne*, deserves a sharper sentence. *Keilway F.* 182. *Halls Cronicle F.* 50 *Fox Acts and monuments p.* 737. 738. *Richard Hunne*, a Marchant Taylor in London, Anno 1514. *brought a* Premunire by the advice of his councell, against *Thomas Dryfield* Clarke parson of Saint *Mary Matsalon*,

salon, his aiders and abbettors, *for suing him in the spirituall Court for his childs bearing-sheete, as a mortuary*; to prevent which sute (at which the Clergy were much inraged) *Fitz-Jeams* then Bishop of *London*, his Chancellor, Chaplines and others conspired against the said *Hunne*, and murthered him in *Lollards* Tower, for which some of them were executed.

7. Henry 8. Keilway, F. 183. 184. *Doctor* Standish *was cited and convented before the Convocation, for affirming, that the Exempting of* Clergy-men from *temporall Iurisdiction, was not* de jure divino: *That Ecclesiasticall Lawes, and Constitutions obliged none but those who voluntarily received them; That lay-men, might without sinne punish any Clergymen, by reason of the negligence of the Prelates; That the study of the canon Law was to be rejected, because it controuled divinity it selfe, whose hand maid it is; and that so little of the volumnes of the Decrees did bind Christians, that one might hould it all in his fist; Upon this Citation, all the Iudges of* England, *the Kings learned counsell of both Lawes, civill Canon and Common, with divers of the Parliament, met together at* Black-friers; *where, after full debate of the cause on both sides, they all joyntly and Clearly resolved; that all those of the Convocation who had their hands in awarding the said citation against Doctor* Standish *for maintaining the Kings temporal Iurisdiction, were in the Case of a* Premunire.

If

IF this meere citation made these incurre a *Premunire*, much more doth the *Yorke high-Commissioners* censure, (a most extravagant proceeding) subject them to the penalty of it.

HIlary 2.5.H.8. Coram Rege, *Rot* 15. Richard Nyx. *Bishop of* Norwich, *was attainted in a* Premunire, *put out of the Kings protection, his person imprisoned, Lands, Goods and Chattles forfeited to the King, for citing* Richard Cockerall *Mayor of* Thetford, *and others into his spirituall Court, and injoyning them under paine of Excommunication, to call a Iury of the said Towne before them, and cause them to revoke and cancell a presentment they had found upon Oath, touching their liberties,* to wit; *That none of the said Towne ought to be cited into any spirituall consistory, but onely into the Deane of* Thetfords *Court; and that if any one cited any of that Towne into another spirituall Court, he should forfet six shilling eightpence for the same; The glasse Windows of Kings Colledge Chapple in Cambridge were bought and set up with part of this Bishops fine and forfeiture upō this his attainder, as the author of the Catalogue of the Chancellors and Colledges of* Cambridge *records*, in his *Collegium Regis.*

Trinity 36. H.8. Rot. 9. Arthur Bulkly *Bishop of* Bangor, *and* John Lewis *vicar of* Llan-geynwyn, *were attainted in a* Premunire *at the prosecution of* Wil. Whorewood *the Kings Attorney, for*

tring the right of patronage and Tithes of the said Church and suing for severall somes of mony due on bond for Tithes, in the Bishops Ecclesiasticall Court; which had no cognisance of them, being temporall, and belonging onely to the Kings civill Courts; to the derogation of the imperiall Iurisdiction of the King and his Crowne, and subversion of the Lawes, and Statutes of the realme, And hereupon judgement was given against them, according to the Statute. The reason of these two cases is the same with them of Chester; the cases, the same in substance; therefore the punishment of the Yorke Commissioners, must be the same with those Bishops.

In one of *Steven Gardners* (*Bishop of* Winchester) his *Letters* to the *Lord Protector* in King Edward *the sixt* his raigne, in the old edition of *Master Fox* his *Acts and Monuments*, printed in *Queene Elizabeths* time (but omitted in the Editions since) I finde this notable passage. *Page.* 741. *When the Bishop of* Exeter *and his Chancellour, were by one body brought in a* Premunire (*for suing for a temporall thing in the spirituall Court,*) *which matter my Lord Privy seale cannot forget, I reasoned with the* Lord Awdly, *then* Lord Chauncellor, *so far, as hee bade mee hold my peace, for feare of entring into a* Premunire *my selfe; whereupon I staid: but concluded, it seemed to me strange, That a man authorized by the King, (as since the Kings Majestie hath taken upon him the supremacy, every Bishop is such a one) could fall in a* Premunire; *After I had reasoned the matter once with the Parliament*

liament house, where was free speech without dinger, there the Lord Audly, *then* Chancellour, *to satisfy me familiarly, because I was in some secret estimation, which he then knew; thou art a good fellow Bishop* (quoth hee) *which was the manner of his familiar speech; looke the Act of Supremacy, and there the Kings doings be restrained, to spirituall Iurisdiction; and in another Act it is provided;* that no spirituall Law shall have place contrary to a common Law or Act of Parliament; * *and this were not* (quod hee) *you Bishops would enter in with the King, and by meanes of his supremacy, order the laiety as you listed; But we will provide* (quod hee) *that the*, * Premunire *shall ever hang over your heads, and so wee lay-men shall be sure to injoy our Inheritance by the common Lawes and Acts of Parliament.* Before which he in the same Letter hath this notable passage. *Now whether the King may command against an Act of Parliament, and what danger they may fall in that breake the Law with the Kings consent, I dare say no man alive at this day hath had more experience, what the Iudges and Lawyers have said, then I; first I had experience in my old master the* Lord Cardinall, *who obtained his legacy by our late Soveraigne Lords request at* Rome; *and in his sight and knowledge occupied the Iame, with his two Crosses and Maces borne before him many yeares: yet because it was against the Lawes of the Realme, the Iudges concluded the offence of the* Premunire: *which conclusion I bare away, and tooke it for a Law of the Realme, because the Lawyers so said,*

* Note this.

* Note this.

but my reason digested it not, The lawyers for confirmation of their doings, brought in a case of the Lord Tiptoffe, as I remember, a Jolly Civillian; he was chancellor to the King; who because in execution of the Kings Commission, he had offended the Lawes of the Realme; hee suffered on Tower Hill; they brought in the examples of many * Judges that had fines set on their heads in like cases, for doing against the Lawes of the Realme, by the Kings Commandement; and then was brought in the * Iudges Oath, not to stay any processes or judgement for any commandement from the Kings Majestie. And one Article against my Lord Cardinall was, that he had granted injunctions to † stay the common Lawes; and upon that occasion Magna Charta was spoken of, and it was made a great Matter to stay the common Law. And this I learned in that case. Sithens that time (being of the councell;) when many Proclamations were directed against the carriers out of Corne, at such time as the transgressors should be punished, the Iudges would answer, it might not bee by the Lawes: whereupon insued the* act of Proclamations; in the passing of which act many liberall words were spoken, and a plaine promise, that by authority of the Act for proclamations, nothing should be made contrary to an act of Parliament or the common Law. It is not yet full two yeares agoe; since in a case of Juels, I was faine with the Emperors Embassadour and after in the Emperors Court, defend and maintaine* by commandement; that the Kings of this Realme were not above the Order of their Lawes: and therefore the

Iueler

* See Holinshed p. 119. 243. 244. 455. to 468.

* Note.

* See this in 18.E.3.Stat. 3. Rastal, f. 258.

† This is contrary to magna charta c. 29. 2. E.3.c.8. 18. E. 3. Statute 3. 20 E.3.c.1. 4. 14. E.3.c.14. Stat. 1

* 31.H.8.c.8. 34.H.8.c.23.

* Note.

Jueler, although hee had the Kings Bill signed; yet it would not be allowed in the Kings Court, because it was not obtained according to the law. Thus *Wincheſter* in his *Letter to the* Lord Protector.

FRom which, and the two foregoing precedents, I obſerve, firſt; that the *Premunire* lies againſt Biſhops though authoriſed by the K. Commiſſion, for ſuing for a civill thing or offence in an Eccleſiaſticall Court. Therefore, by the ſame reaſon againſt the high-Commiſſioners of *York* in our preſent caſe. Secondly, that the Kings Commiſſion and expreſſe command, cannot excuſe any from a *Premunire*, or other capitall or pecuniary puniſhments, for *infringing the Lawes and Statutes of the realmes. Therefore the Kings Commiſſion cannot excuſe the high Commiſſioners of *Yorke* from the ſame penalties, in caſe they breake the common and Statute Lawes of the Realme, though expreſly authoriſed to doe it by their Commiſſion: much leſſe then can it excuſe or juſtifie them in this caſe, which is neither within the words nor intent of their Commiſſion.

Ib. Intrat. F. 24. *Admiralty*, 3. and F. 465. *Admiralty*. 1. *If any man ſue in the Admirals Court for anything triable at the Com. Law in any of the Kings Courts at* Weſtminſter, *A* Premunire *lies againſt the party ſuing, and the Judge; by the Statute of* Decimo Sexto R. 2. c. 5. as it is there reſolved By the ſame reaſon, a *Premunire* lies in this caſe againſt theſe high Commiſſioners, and all thoſe who were parties, proſecutors, or Abbettors, ayders or aſsiſtants to this unjuſt proceeding, againſt the *Cheſtermen* and me.

Fox.

* Therefore by the ſame reaſon the Kings Commiſſion cannot excuſe the late pretended illegall Convocation, for making the &c. oath, reſtraining the power of making and granting out Viſitatory Articles, to the Arch. of Cant. only; and granting Subſidies, (a meere lay civill charge never granted but by Act of Parliament paſſed by both houſes) & that under paine of deprivation at the 1. dash *omni appellatione ſemotâ*, from incurring a *Premunire*, which they have demerited in the ſuperlative degree.

Fox Acts and Monuments, p 951. Mr. *William Tracy of Toddington in the County of Gloster, Esquire; made his will, wherein he declared his dislike of masse, and popish merits, and that he hoped to be saved by God onely, and not by any Saint: his sonne comming to prove his will in the Prerogative Office, the Archbishop of Canterbury brings it into the Convocation house. who thereupon adjudged, that Master Tracies corps should be digged out of grave and burnt for an hereticke. The Convocation and Archbishop in prosecution thereof sent a commission to Doctor Parker Chancellor of the Dioceſſe to execute this sentence, which hee did accordingly. King Henry the eighth hearing his subjects body to be digged up and burnt without his privity, against due order of Law, sends for the Chancellor and chargeth him with this offence: he excuses himselfe on the Archbishop (then newly dead); but this would not acquit him, nor wipe off his fault, he being forced to give 300. pounds, to procure his pardon.*

TO burne the picture of a living man convicted of no hereſie or Eccleſiaſticall crime, out of hatred to his perſon, and that by order from an Eccleſiaſticall Court, in a publique and diſgracefull manner, at the high Croſſe of *Cheſter*, in the preſence of the Major and Citizens, ſolemnely aſſembled for that purpoſe, with the meſſenger ſtanding by in his coate of Armes, is well nigh as great a crime, as to burne this dead Gentlemans corps, after a legall conviction of hereſie, as they then ſuppoſed; and therefore merits as great a penalty as this Chancellor paid for his pardon, if not farre greater, all circumſtances duly conſider.

In

In France the burning or executing of any man by effigie, is equivalent in Law, and as great an infamy as the execution and burning of his person: The trampling of the *Kings Seale or writ under feete, is an high contempt against his royall person, punishable severely by the law. * *Chrysostomes* preaching against the silver picture of the Empresse *Eudoxia*, was deemed a sufficient ground in a councell of Bishops, both to deprive him of his Arch-bishopricke of Constantinople, and to banish him. The overturning and abusing of the Emperour *Theodosius* his statue by those of Antioch was adjudged such a capitall crime, as threatned an utter overthrow and desolation to that famous City, which hee determined to raze and destroy, had it not with much intercession and submission of the delinquents beene prevented: Yea, some of our own martyrs have been burnt to ashes for abusing and burning the Image of a popish Saint, and for but speaking against their worship, and three men were hanged, *Anno* 1532. for burning the *rood of Dover-court.

*Register of Writs, pa. 2. f. 95 a. 118. a. 119. a.

*Socrates Schol. l. 6. c. 16.

*Chrysost. ad populum Antiochiæ. Hom. 10. to 25. Eutropius, Zozomen and Grimston in the life of Theodosius the elder.

*Fox Acts and Monuments, p. 495, 496. in the old edition.

From all these premises, I conclude, that the *High-Commissioners of Yorke*, with all their officers, aides, counsellors, and abettors, in these their censures and proceedings against me and my *Chester* friends, have incurred the danger of a *Premunire*, and ought to be thereof attainted.

They censured my *Chester* friends *unheard*; and me and my pictures both *unheard* and *unseene*: this their censure therefore (as well as the two former in Star-chamber the ground of this) is both erronious and unjust, yea contrary to the old rule of justice.

Μηδὲ δίκην δίκασης ΠΡΙΝ ἀμφοῖν μῦθον ἀκούσης. *Give not sentence before both parties be heard*; which had it been observed in the Star-chamber and High-commission, I presume I should have beene censured in neither of them as I was.

See B. *Babingtons* notes on Exod. 23.

For my owne part, I dare not principally impute the illegalities and exorbitances of these proceedings and judgements against me, to those honourable Lords and Judges who censured me, (it being the part onely of degenerous *Wolves* and *Curs*, not magnanimous Lyons, to prey on silly *Lambes* eares, and then cloyster them in close prisons when they have done it. But to the malice and injustice of the Prelates, and my Arch-prosecutor *Canturbury*, who hath made no bones to trample all rules of Law and justice under feet, to accomplish his malicious designes.

*Page 137, and in sundry other pages following.

Himselfe in his late published* *Relation of the conference between him & Fisher* the Jesuit avers, *That no man in cõmon equity ought to be suffered, to be Accuser, Witnesse, and Judge in his owne cause:* which he oft inculcates: Yet he forgetting this rule, was prosecutor, accuser, and sole witnesse against me; sate Judge (albeit particularly excepted against) at my two censures, and his hand is commonly first to all the warrants for my imprisonments, exile, and illegall restraints: what justice then I might expect, where this my arch-prosecutor, accuser, and professed enemy sate still as Judge, you may all conjecture.

Object.

Yea, but you and he perchance will object, that not he alone, but the whole Court concurred in my censure; and that he forbeared to sentence me in the last cause, because it *had* * *some reflexion on himselfe.*

*They are his owne words in his printed speech, p. last.

Answ.

True indeed, in the last cause he pronounced no particular sentence against me; but he did *tant amount*, or more. For first, he caused the information to be exhibited against me, my servant to be taken from me, and close imprisoned, my self to be mued up & fettered, that I could have neither pen, inke, paper, nor liberty allowed to draw up, or put in my answer by the time prefixed. 2. He was the cause that my crosse Bill was rejected, my answer under Counsels hand refused, and the Judges put upon a strange certificate

to

to prejudge the cause before the hearing. 3. At the hearing, he sate in open Court to over-aw the Judges by his power and presence, and there made a tedious speech against me and my brethren (wherein he fights for the most part with his owne shadow) used bitter invectives against us; and in the close of his *Oration, he giveth *all hearty thankes to the Lords, for their just and honourable censure* (as he termes it) *upon us, and for their unanimous dislike of us, whom* (he saith) *he will leave to Gods mercy, and the Kings IVSTICE.* 4. He caused his speech forthwith to be printed, and dedicates it to his *Majesty*, with an *Epistle*, wherein he shamefully reviles us, excites his Majesty against us, and tacitly adviseth him to the execution of this sentence, which shortly after was accomplished by his sole instigation, against the Lords good liking who never thought it would be executed. Finally, it is this Archbishops owne printed speech: **All men of understanding know, how oft and how easie* AN OVER-POTENT MEMBER *carries the whole with it, in any body Naturall, Politicke, or Ecclesiasticall.* And all men of understanding (nay *Arche* the *foole* too) know, that *Laud* was then an *Over-potent member*, and *carried* the whole *body Politicke and Ecclesiasticall with him* in those daies, whithersoever hee pleased, no man daring to oppose his *Laudlesse* and *lawlesse* will. Therefore whatever the Lords or Court did against me, it was originally by his procurement, so as the greatest blame must rest on him. And as for those who have sentenced me for *Lauds* sake, I shall desire them to ruminate on S. *Gregory* his saying (the first erector of the *See of Canturbury*,) with which I shall conclude: **Sed etiam propter* LAUDEM *qui iudicat malè, munus accipit, & munus quo nihil inanius. Patuit enim illius auris ad accipiendum judicium linguæ alienæ, & perdidit judicium conscientiæ suæ.*

* Speech in Star-chamber p. last.

* Relation of conference, p. 160.

* For he prosecuted him in Star-chamber, and caused him to be whipped, and banished the Court.

**Gregor. Moralium, l. 9. c. 26.*

I Had here thought to have cast anchor, but meeting with three Letters of the *Bishop of Chester* to the *Archbishop of Yorke*, under his owne hand and seale, notably discovering the malice of this Prelate against M. *Prynne* and his *Chester friends*, (whose persecutions at *Yorke*, originally sprung from his most malicious information, and pestilent instigation, who is able and worthy to render them good damages for their injuries and losses sustained) and fully revealing the Prelates machiavillian underhand plots to persecute all godly Christians, and to ensnare them in their high Commissions by their *Ex officio oathes*, selfe accusations, and the ransaking of their studies to pick matter of accusation and censure against them; I shall here for the honour of this Prelate who writ them, the benefit of the parties they most concerne, and the complement of this *new Discovery of the Prelates tyranny*, insert them in their order; and so conclude.

The first Letter.

To the most Reverend Father in God, my very good Lord, RICHARD, Lord Archbishop of Yorke, his Grace, Primate and Metropolitan of England, and one of the Lords of His Majesties most Honorable Privie *Councell.*

My humble service premised, &c.

MAY *it please your* Grace *to be advertised; I came lately into* Lancashire *to visite my eldest sonne, who hath long lyen here very ill, and unable to stirre; and in my absence from Chester,*

Prynne

Prynne (*that twice censured Lawyer*) *was conveyed to* Carnarvan-Castle; *but in his passage was* [a] *entertained at* Chester *by foure factious citizens with great solemnity; which (because I conceive it affronts the State to give such countenance to so* [b] *infamous an enemy of both the Church and Common-wealth) I thought meet to* [c] *acquaint your Grace with it, and to desire your directions therein.*

The men who did it, were first one Calvin Bryan *(a silly, but a very seditious fellow, who hath lately been Sheriffe of that City) This man (as I heare) rode to meet him, and brought him jollily to his* [d] *house, where he gave him a great supper. Anothers name is* John Alderſey, *an Alderman of Chester, who (with his wife) in her feminine zeale burst out into some idle discourse at their meeting. The other two, were* Peter Ince, *Stationer, and* Robert Ince, *a Hoyer. I my selfe have no authority in Chester to punish them (but what my Consistory doth afford) not so much as a* [e] *Justice of Peace to bind them to the good behaviour; but if your Grace thinke fit to send a Pursevant, and fetch them into the* [f] *high Commission, it may do good for example to others of that straine. This* Calvin Bryan *(as soone as Doctor* Laytons *Booke came forth, called* Syons Plea) *had got one of them into his shop; which (as* [g] *soone as I heard) I sent and tooke it away from him; and then being threatned and affrighted, he faithfully promised future conformity. As for* Robert Ince, *he was (though many yeares since) made to*

[a] You should have done well to have played only the part of an informer, not of a misinformer, as here you doe.

[b] I wish you and your fellow prelates were no more infamous enemies to both then he is.

[c] He was therefore the chiefe promoter and informer.

[d] Your Fatherhood, is here both a false informer and accuser; yea, a spreader of false newes, not a word of this being true.

[e] Pitty you were not such an officer, you are so good a Prelate.

[f] You are here an adviser, as well as an informer.

[g] You are very carefull to suppresse all Bookes against the Prelates, but not one Popish Booke against the truth.

doe publike penance in the Cathedrall of Chester for schismaticall speeches, by sentence of the high Commission: And for Peter Ince, we have no other Stationer in that City, yet no Puritanicall bookes but our Citizens get them as soone as any, which I suppose come by his meanes, though he be so cunning as it will hardly be discovered, unlesse by his owne answer upon his [h] Oath. And for the Alderman (especially his wife) they much bemoaned his persecution (as they call it) and spake diverse words about his censure. All these seldome or never come to our Sunday Sermons in the Cathedrall, although I have [i] ordered the other Preachers in the City, to end all their Sermons before ours begin: wherein I most humbly beseech your Graces advise and assistance, to bring the Major and their Brethren to our Cathedrall (at least on Sundayes) as in other Cities they use to doe, that I may have [k] mine eye on their behaviour. I shall await your pleasure herein, and [l] follow punctually what you command. And so most humbly (with my prayers to God for all happinesse upon you and yours, with long life to enjoy it) I take my leave and rest

Lever, 20. August 1637.

Your Graces in all obedience

JO. CESTRIEN.

[h] See what use the Prelates make of ex officio Oathes, to cause men to betray themselves, when they want proofe against them.

[i] By what Law must men curtall Gods service in their owne parish Churches, to dance attendance on your Rochet at the Cathedrall?

[k] It is to advance your owne pride and pomp, not their salvation.

[l] Therefore You were the chiefe prosecutor.

The Bishop of Chesters second Letter to the same Archbishop of Yorke.

After the remembrance of my humble duty:

MAY *it please your Grace, I have seized on five Pictures of* Prynne, *drawne by the Painter* Pulford, *now a* [a] *prisoner at Yorke (which are all that I can heare of,) and I now desire your Graces pleasure for the disposall of them; whether you will have them sent to* Yorke *(which I thinke* [b] *too great an honour for such a wretch) or* [c] *sacrificed here to* Vulcan, *either publiquely in the Market, or privately before some good witnesses: you may please to signifie my service therein, and it shall be done.* Calvin Bruen *was with mee, and told mee, hee was dismissed by the Lords of the Councell; I craved a view of his dismission, but I find it is rather a remission or transmission of him backe to the High-Commission at Yorke. Hee* [d] *cannot deny that he went out and brought* Prynne *into Chester, that whiles hee was here, hee* [e] *bestowed wine upon him: That at his going hence, hee brought him out of the City on horse-back; he minceth it somewhat, and saith, it was but halfe a mile, and I beleeve it; but this halfe mile is so farre as I use to bring the* [f] *Lord Deputy of* Ireland, *when he hath been my guest in Chester, and to go further would be a trouble to him. If that* Calvin Bruen *shall deny this,* [g] *I must witnesse against him, that he hath confessed so much to me. May*

[a] By what law can you imprison the Painter for the drawing his Picture only?

[b] Why, a greater honour to send them to Yorke, then to remove him to Carnarvan & Iersie?

[c] The martyring then of the Pictures proceeded originally from this Prelate, who would needs sacrifice them for a burnt offering.

[d] He did deny it upon oath, for he neither rode into Chester with him, nor spake to him till he was in his Inne.

[e] Only one pinte upon his Conducters.

[f] It seemes you were very familiar with this great Traytor: and if *Bruen* deserve such a censure, for having Mr. *Prynne* but halfe a mile in his way; what doe you for accompanying a Traytor so farre?

Your

your Grace please to give me leave to interpose my opinion, I would advise, that the Court be not too hastie in the dispatch of those men, till I have [h] searched a little into the depth of this businesse; for I came but a weeke since (being with-held in Lancashire upon some service by his Majesties command,) and somewhat I heare which (if I find true) will minister matter for a [i] sound censure, but I would not shew only shadowes to that Honourable Company, but certainties, and of substance I shall [k] returne it within a fortnight. I heare of one Bostock (a Lawyer of the first head) yet one that hath horne enough to runne withall against Ecclesiasticall authority, and as busie for [l] Prohibitions as the best: This man (they say) is informed against, and feares a summons from Yorke, for he was more inward with Prynne than any other. If hee come before your Grace, I pray examine him narrowly about schismaticall bookes, for I verily beleeve there hath been no Libellous or scandalous Pamphlets published either from beyond Sea, or printed in England for diverse yeares, but he hath gotten it and dispersed it; hee hath been a great Conventicler (as his neighbours affirme) and (if report bee true) of long acquaintance with Prynne when hee wrote his Libels, it may be hee afforded him some helpe there in. Men thought lately he would have been a Minister, but about five yeares since he began to study at the Innes of Court, & is now become a Lawyer gowned. He hath been (as I heare) a great expounder of Scripture in private Families, and a follower of seditious Ministers at Exercises as they call them. If any of those who are before you have acquaintance with him

[h] See the treachery of Prelates, to examine men in a friendly manner of purpose to accuse them afterwards.

[i] A heavy one if you please, & such a one they had, but not a sound one, for the Parliament had judged the contrary.

[k] You were therefore the chiefe adviser and informer in it.

[l] And as for Prohibitions stick much in your stomack, it seemes you would be lawlesse.

him, no doubt but they will afford [l] *matter enough to worke upon. It is much below me to be an* [m] *Informer; and therefore I beseech your Grace let others doe it. But if some of the chiefe delinquents be* [n] *punished for example sake, and others who never spake with* Prynne, *or bestowed any curtesie on him (but onely in curiosity saw him as a stigmatized* [o] *monster) bee spared till sufficient matter appeare against them (for I heare a clamour of the people that some such are sent for,) your Grace will herein shew your zeale of justice against the one, and your wisdome and mercy to others, who complaine they are* [p] *undone by their charges alreadie expended. I know your piety and charity, that you would have both offenders duly censured, and innocents freed; and therefore I need adde no advice of mine own herein. But praying God to blesse you with health, long life, and at last with eternall happinesse; I rest*

Chester, Nov. 10, 1637.

Your Graces in all obedience;

JO. CESTRIEN.

[l] The Prelates can make worke where they find none.

[m] Why then doe you here discend below your selfe and make it your trade?

[n] Here you perswade, and advise punishment bring for informer and Judge too.

[o] *David* seemed a monster to many. P. 71. 7. & if you were knowne to the world as well as monster Prynne, I doubt not you would be the greatest Master of the two.

[p] It is great mercy to undoe poore men

The Bishop of Chesters third Letter to the said Archbishop.

MY humble duty remembred: May it please your Grace, I came to Chester lately, having beene held thence longer then I intended, by the [a] *desperate sicknesse of my eldest Son, and the succeeding death of my second sonne, and afterwards by some speciall service commanded by his Majesty. And here I find all things so closely shut up in silence, and these wary Citizens so affrighted, as little or nothing will be discovered about the entertainment of* Prynne, *more then*

[a] This Judgement of God upon your Children at this time, should have taught you a better lesson, then to persecute your poore innnocent neighbours.

what your Grace hath already heard. Onely in the examination of Peter Ince his wife, I perceive her husband hath bin of ancient *acquaintance with Prynne, For when Prynne was in the Tower of London upon his first censure for his Histrio-mastix, this Peter Ince visited him (a prisoner) there. The Lords of the Privie Councell had notice of some such matters, for above a moneth since they wrote downe to Chester for a search to be made in his house for seditious bookes, which was accordingly done, by the then Major, but all the Birds were flowne ere the nest was searched, and I beleeve no more will be discovered then what those *Prynnians now at Yorke can reveale unto you.

As for the wife of Thomas Aldersey the Alderman, *I examined her (as I did the other) punctually to every clause both of the originall articles, and the additionals, and have returned them sealed into the office by this messenger. If she sweares truely, her offence is not answerable to the *report. For it seemes, Peter Ince and his brother Robert Ince walking through the streets with Prynne went to S. Johns Church (the place where stories say, K. Edgar was rowed over the River Dee, by eight Captive Kings) (which the great Ship lately built by the King relates unto) and in their return homeward, they brought Prynne home to Alderseys house; where she was sitting with other Gossips, and neither expected nor invited Prynne, neither did she send for a drop of Wine for him, or bestowed any other gift upon him (as she supposeth to the worth of a penny) but the offer of a taste of a pint of Wine, which she & her Gossips were then a drinking, ere he came in.

I must

* Therefore it was the lesse offence in him to visit him.

* Why not Chestrians, or Christians rather.

* You were then both informer, examiner, and Judge in this case.

*Nor to your first false information.

I must beleeve this to be so, till * *I finde out further matter, which you shall certainly know, if it be worth writing.*

* Yet you will be no Inquisitor nor Informer, it is below you.

As for that Calvin Bruen, *you will need no further proofe then his own confession (and the attestation of his Companions) he confesseth to me, That he* * *went out of the City, and fetched* Prynne *in, and bestowed Wine on him whiles he was there, and rode out with him when he went thence, and perhaps upon his oath he will further confesse, that he invited him to his house, though* Prynne * *forbore it, finding him (as who will not if he heard him speake) a silly fellow? I once tooke from him the book called* Syons Plea, *for which* Layton *lost his eares.*

* This is one of your owne fables.

* Why then informed you in your first Letter, that he supped there? A lyar needs a good memory.

I wrote in my last letter to your Grace somewhat of one Bostock, *a Yong Lawyer, but an old* [a] *Puritane. I could wish that* ([b] *whiles he hovers at London*) *Master* Blanchard *or some other were sent by authority from Yorke to search his study (but they must have power to breake open his doore, or no good will be done,) for certainely he hath more schismaticall bookes, unlesse this noyse hath scared them away, than any one man in my Dioceese: but you must get them out, either by such a sudden search, or by his owne examination on his* [c] *oath by some of the Brotherhood, for I can doe little service in it.*

[a] Your selfe in your wives time went for such a one, but it seemes you playd but the hypocrite.

[b] Set the mischievous malice of this wretched trecherous Prelat, and his pernicious counsell, which was executed.

[c] You are sure Puritans will not forsweare themselves like Prelates.

I have [d] *certified my Lord of Canturbury what passages have beene since* Burton *was a prisoner in Lancaster Castle, and at his departure thence. They are not*

[d] And are you not then a common and malicious informer, and *Canturburies* spie?

worth a repetition and suit. I understand his wife was made much of, by some Puritan neighbours there abouts: when the discovery is perfited, I shall make bold to acquaint your grace with it.

Meane while with the tender of my humble service to your Grace, and my Prayers to God for your health, honour and happinesse, I rest.

Chester *Novem.*20. 1637.

Your Graces in all obedience,

JO. CESTRIEN.

Rev.12.10.Iob. BY these Letters, you may partly discerne the bitter malice, venome and treachery of this avaritious Prelate, who to save the Devill a labour, will needs usurpe his office, and prove a common accuser of, and informer against the Brethren, even for an act of charity, the visiting Acts.20.29. of a prisoner, one chiefe part of a Bishops office in former times; who now are degenerated into such Wolves and Tigers, that they utterly abandon all charity, pity, and common humanity from themselves, and persecute them in others, as the premisses demonstrate. It will be but equall, that these tyrannicall bloody Lord Prelates, should now be so dealt with in the Honourable Court of Parliament, as themselves have formerly dealt with others, for farre lesse crimes, than those they are now accused and guilty of, and that they Iam. 2.13. should have judgement without mercy, who have shewed no mercy, and whose tender mercies have Prov.12.10. been cruelties.

FINIS.

Errata.

Kind Reader I pray correct these oversights of the Printer in some coppies.

PArt 1. p.7.l.6. for new, r. *now*, p.22.l.19. dele. things, p.24. l.17. *treachery*, p.37. l.23. *moderate*, p.41.l.20.& p.42. l.5. *expounded*, *expunged*.

Part 2. p.1. l.7. 4. r.14th, p.32.l.12. all, *most of* all, p.40. l.8. committed, *convicted*, p.640.l.25. *neere the*, p.70. l.21. *cases of*, p.80.l.4. the, *so*. p.93. l.4. *secrecy*, p.96. l.4 *caused*, l.29. were, *where*, p.97.l.22 his, *this*, p.98.l.18. strict, *from*, p.95.l.16. *canonicall*, p.108.l.27. *and covetous*, p.143.l.29. dele. *chap*. p.145.l.10. *restored*, p.150.l.5. their *the*, p.160. l.13. as, p. 154. l. 19. Law, *eare*, l.28. doth, *doe*, p.166. l.22. *committed to*, l.11. no, ware, *now are*, p.169.l.25. or common, *common*, *or*, p.177.l.34. innovation, r. *invasion*, p.215.l.21. *ayders*. p.181.l.31. *Vs*, l.32. *rigorous*, p.187, l.25. to, *the*, p.207.l.11. *Chapter*, p.213.l.23. any, *a thing*. p.182.l.31. *Vs*, p.187.l.25. to Dr. *the* Dr.l.32. *rigorous*.

In the Margin, p.79.l.4. have, r. *hate*, p.81.l.7. *prayers*, p.222.l.23. And as for, *These*, p.223.l.14. *being*, p.225.l.23. Set, *See*.

AN
HVMBLE
REMONSTRANCE
TO HIS
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AGAINST THE TAX
Of *Ship-money* impoſed, laying open
the illegalitie, abuſe, and inconvenience thereof.

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AN HVMBLE REMONSTRANCE TO HIS MAIESTY, AGAINST THE TAX

Of *Ship-money* imposed, laying open *the illegalitie, abuse, and inconvenience thereof.*

MOST Gracious and dread Soveraigne, wee your poore and loyall Subjects of this your Realme of *England*, now grieved and oppressed with the late Taxes imposed upon us, for setting out of diverse Ships, for guarding of the narrow Seas, without a common assent thereunto had in Parliament, doe here in all dutie prostrate our selves, and this our Remonstrance against the said Taxes, at your Highnes feete, beseeching your Majesty of your Roy-

all Justice and clemency, to take the same into your Gracious and most just consideration; and thereupon to release us your poore Subjects, from the intolerable burthen and grievance, under which we groane and languish.

And here first of all, wee most humbly represent to your most excellent Majesty, that the Tax of Ship-money, is directly contrary to the fundamentall Lawes of this your Realme of *England*, which your Majesty both in point of Justice and Honour, is obliged inviolably to preserve, according to the Oath made to God and your subjects at your Coronation, and your faithfull printed royall Protestations since both in your Answer to the Petition of Right, in the third yeare of your Highnesse Reigne, in your royall speech in Parliament, printed then with your Command, and your Declaration to all your loving Subjects, of the Causes which moved your Majesty to dissolve the last Parliament, made and published by your speciall Command; likewise by 22. 23. 42. 43. 44. in all which, your Majesty to all your subjects Comfort, have made their severall Declarations of your royall pleasure in these your most royall words: The King willeth, that Right be done according to the Lawes and Customes of the Realme, and that the Statutes recited in the Petition of Right, be put in execution; that his subjects may have no cause of Complaint, of any wrong or oppression, contrary to their just rights and liberties, to the preservation whereof, he holds himselfe in Conscience

science obliged aswell as of his Prerogative. Let right be done, as is desired, and I assure you, that my Maxime is, That the peoples liberties strengthens the Kings Prerogative, and the Kings Prerogative is to defend the peoples liberties; I doe here declare that those things that have been done, whereby men had some cause to suspect the libertie of the Subject to be trenched upon, shall not hereafter be drawne into example for your prejudice; and for the time to come, in the word of a King, you shall not have the like cause to Complaine; We were not unmindfull of the preservation of the just and ancient liberties of our Subjects, which we secured to them by our just and gracious Answer to the Petition in Parliament, having not since done any Act whereby to infringe them, but our Care is, and hereafter shall be, to keep them intire, and inviolable, as we would doe our own Right and Soveraigntie. We also declare that we will maintaine the ancient and just Rights and Liberties of our Subjects, with so much constancy and Justice, that they shall have cause to acknowledge, that under our government and gracious protection, they live in a more happy and free estate, than any Subjects in the Christian world.

If then we shall make it appeare to your Majesty, that the Tax is against the Lawes of the Realme, and the just and ancient Rights and Liberties of your Subjects; we doubt not but your Majesty, out of your Royall Justice, and Goodnesse, will be most Graciously pleased to exo-

nerate us thereof, and never to draw it into example any more.

That it is against the fundamentall Lawes, just Rights, and ancient Liberties of your people, we shall make it appeare by these particulars.

First, we conceive it is against sundry Statutes of this Realme. First the Statute of *Magna Charta, cap.* 29. 39. ratified in Parliament 5. *E.* 3. *cap.* 9. 25. *E.* 3. *cap.* 18. 42. *Ed.* 3. *cap.* 3. and to the late Petition of Right in the third yeare of your Majesties Reigne, who enacts, that no Freeman shall be taken, or imprisoned, or dissеized from the Free-hold or libertie, or free Customes to them, or to be outlawed, or exiled, or otherwise destroyed, or pressed upon, nor dealt with, but by the Law of the Land, and by the lawfull Judgement of the Peeres; but diverse of your poore Subjects by vertue and authoritie of Writs for Ship-money, have been taken, and imprisoned by your Officers, their Goods and Chattells seized, distreined and sould, to their great damage and destruction, without any lawfull Judgement first given against them, and before the right and title of the Tax hath been lawfully heard, and decided against the very tenour of the Statute.

Secondly, against the Stat. of 25. *Ed.* 1. *de tallagio non concedendo.* 14. *Ed.* 3. 2. *cap.* 1. 25. *Ed.* 3. *Rich.* 2. *cap.* 9. 1. *Rich.* 3. *cap.* 2. and the late Petition of Right, certified by your Majesty, which enacts that no Tallage shall be laid, or levied by the King, or his heires, without the good will and consent of the Archbishops, Bishops, Earles, Barons,

rons, Knights, Burgesses, and other Freemen of the Comonalty of the Realm. By vertue of which Statute, your Subjects have Inherited this freedome that they should not be compelled to contribute to any Tallage, Tax, Ayd, or other charge, not set by Common consent in Parliament, as is recited by the same Petition; Therefore not with this Tax of Ship-money not setled, but being against the severall Acts, against all the Acts of Tunnage & Poundage, and other subsidies, which have been from time to time in all your royall Progenitors Reignes granted them either for yeares, or for tearme of their naturall lives, as a certaine Tax and Subsidie for the safety and defence of your Seas, against enemies and Pirats, and as a free voluntary Graunt, because themselves, by your royall Prerogative, had no power to impose it upon the subjects; some few of which Acts, we shall here recite, 14. *E.* 3. *Stat.* 1. *cap.* 20. *& Stat.* 2. *cap.* 1. The Prelates, Earles, Barons, and Commons in Parliament, granted the King the ninth Lambes fleece, fifteenth sheafe, ninth part of all Goods and Chattells in Burroughes for two yeares space then next ensuing, to be taken and levied by full and reasonable Tax for the same two yeares, in ayd of the good keeping of the Realme aswell by Land as by Sea, and of his warres, aswell against the parts of *Scotland*, *France*, *&c.* and elsewhere, with promise that the Graunt so chargeable, shall not another time be brought for an example, nor fall to their prejudice in time to come. 5. *Rich.* 2. *per Stat.* 2. *cap.* 3. a subsidie of

two

two shillings on every Tun of Wine, and six pence in the pound of every Merchandize els imported (some few excepted) was graunted to the King by Parliament for two yeares, during which time the Marriners of the West proffered the Parliament to make an Army on the Sea: Provided alwaies that the money thereof comming be wholly imployed for the keeping of the Sea, and no part elswhere; the receivers and keepers whereof were appointed likewise, that the people keeping of the Sea Armie, shall have all the lawfull prizes shared among them,; And that the Admirall and others of the said Army should giue assurance to save the Kings friends and Allies without danger to be done to them, or any of them by any meanes, which if they doe, and it be proved, they shall put them in grievous paines to make amends, 4. *Ed.* 4. 12. *Ed.* 4. *cap.* 3. the Commons of the Realme of *England* granted a Subsidie to the King called Tunnage during his life, for the defence of the Realme, and especially for the safeguard of the Sea, they are the words of the said Act repeated, which Act was continued and revived 40. *H.* 8. by Act of Parliament 6. *H.* 8. *cap.* 14. which grants him Tunnage and Poundage all his life, 1. *Ed.* 6. *cap.* 1. 3. *Mar. cap.* 18. 1. *Eliz. cap.* 20. for the granting of Tunnage and Poundage, all severally recited, *H.* 8. & *H.* 7. have had granted to them being Princes, and their noble progenitors, Kings of *England* for time being, by common assent of Parliament for defence of the Realme, and the keeping, and safeguard of the Seas, for

the

the entercourse of Merchandize, safely to come in and passe out of the Realme, certaine summes of money, named Subsidies, of all manner of Goods, or Merchandize comming into, or growing out of the Realme. The words of the forenamed Act are these: First, for asmuch as we the poore Commons, &c. now we your poore Commons wishing that such furniture of all things may be had in readines for time to come, when necessitie shall require for the speedy and undelayed provision, and helpe of the suppressing of such inconveniences, and Invasions, humbly desire of your most excellent Majestie, lovingly and favourably to take and accept and receive their poore graunts, hereafter ensuing, as granted of true hearts and good wills, which we bore to your Highnesse, towards the great costs, charges, and expences, which may be laid out by your Majestie, for the causes beforesaid when need shall require.

Secondly, no Dismes, Quadrismes, or grand Customes, and such like ayd can be imposed, the act of Tunnage and Poundage, 1 *Iac. cap.* 33. which graunts this Subsidie to your Majesties Royall Father during his life, makes the same recitall word for word. If then the subsidie of Tunnage and Poundage have been already granted as a Tax upon his Subjects for guarding of the Sea, both against enemies and Pirats by Act of Parliament, and not otherwise, and all your Royall Progenitors have accepted of it in this manner by a grant in Parliament, and not imposed any such annuall

Tax as now by Writ, for the defence of the Seas by your Prerogative royall, we humbly conceive, that your Majestie cannot now impose it upon by Law, rather because your Majestie ever since your comming to the Crowne, hath taken and received this Tunnage and Poundage, and still takes it, and claimes it for a defence onely of the Seas, professing in your royall Declaration to all your loving Subjects by your speciall command, *A. 7. pag. 44.* that you tooke this dutie of Five in the Hundred for guarding of the Sea, and defence of the Realme, to which you hold your selfe still charged, as you declared. Now since your Majesty receives this dutie at your Subjects hand, to this very end and purpose, the moity of which is abundantly sufficient to defend the Seas in these dayes of peace with all neighbour Princes and Nations, and by reason whereof you hold your selfe still obliged to it; wee humbly conceive, you cannot in point of Law and Justice, neither will you in point of honour and conscience, receive the said Dutie, sufficient with an overplus to defend the Seas, and yet impose this heavy Tax and burthen upon your Subjects, and lay the whole charge of guarding the Seas in these dayes of peace on them, as if no Tunnage or Poundage were taken for that purpose, which none of your royall Progenitors ever yet did.

Fourthly, against most of the Acts of Parliament for the severall Subsidies of the Clergie

and

and Commonaltie, in all your Royall Progenitors Reignes, and your owne too, who when the annuall revenues of the Crowne, and your Customes, and Subsidies granted them for the guarding of the Realme, and Seas, by reason of open warres aforesaid, and defensive, or both were not able to supply and defray the extraordinary expences, never resorted to such Writts as these for the levying of Ship-money, especially in times of peace, but ever to the Parliament to supply for the defence of the Seas, and Realme, by grant of Subsidies, Impositions, Disмes, Quadrisмes, rated and taxed by Parliament, and not by your owne authoritie royall. That is evident by all the Acts of Subsidies, Taxes, Ayds, and Customes, granted by your royall Progenitors, and especially by the 14. *E.* 3. *cap.* 21. *Stat.* 2. 15. *E.* 3. *Stat.* 3. *cap.* 1. 23. 18. *Ed.* 3. *Stat.* 2. *Pron. Stat. cap.* 1. 25. *E.* 3. *Stat.* 7. 36. *E.* 3. *cap.* 14. 11. *Rich.* 2. 9. *H.* 4. *cap.* 7. 11. *H.* 4. *cap.* 10. 32. *H.* 8. *cap.* 23. 37. *H.* 8. *cap.* 24. 2. *&* 3. *E.* 6. *cap.* 35. 36. 1. *Ed.* 6. 6. 12. *E.* 5. *P. & M. cap.* 10. 11. 5. *Ed.* 6. *cap.* 29. 13. *Ed.* 3. 27. 28. 17. *Eliz.* 22. 23. 23. *Eliz. cap.* 14. 15. 27. *Eliz. cap.* 28. 29. 29. *Eliz. cap.* 7. 8. 31. *Eliz.* 14. 15. 35. *Eliz. cap.* 12. 13. 39. *Eliz. cap.* 26. 27. 43. *Eliz. cap.* 17. 18. 3. *Jac.* 26. 21. *Jac. cap.* 33. 1. *Car. cap.* 5. 6. *&* 3. *Car. cap.* 6. 7. expresly recite the Ayd and Subsidie therein granted were for the defence of the Kingdome by Sea and Land, the maintenance of the Navy, and so forth. If now these Princes that

would part with no title of their just Prerogative; and your Majesty your selfe have from time to time resorted for supplyes by Sea and Land to Parliament, when Tunnage and Poundage and your owne ordinary revenewes would not suffice, which they would never have done, might they have supplyed themselves by such Writs of Ship-money as these are, wee humbly conceive it to be against the common Law, and that your Majesty ought to run the same course againe, and may not by your Prerogative Impose this Tax of Ship-money without common consent in Parliament, contrary as we beleeve to the Petition of Right, confirmed by your Majesty as our undoubted Rights and Liberties, and as the Tax of Ship-money is against the severall recited Statutes, so wee humbly conceive it to be against the very common Law, and Law books.

First, by the Common Law every severall Dutie and service which concernes the subjects in generall or greatest part of them, that is uncertain and indefinite, not reduced to any positive certainty, ought to be rated and imposed by a Parliament onely, not by your Majesty (as the partie whom it concerns) as appeareth by two notable instances, pertinent to the present purpose, whereof the first is, that of Taxes uncertaine, which though a dutie to the King, and other Lords heretofore upon every voyce royall against the *Scots*, yet because it concernes so many, it could not be taxed, but by Parliament, *Litt.* 2. 97. 98. 100. 102. *F. N.*

N. B. 8. *Cooke* on *Litt. sect.* 97. 101. 102.

Secondly, in Case of Ayd to marry the Kings or Lords Daughter, and to make his sonne a Knight, which though a Dutie, yet taxed and reduced to a certaintie by a Parliament, not left arbitrary, 3. *E.* 3. *cap.* 35. 25. *E.* 3. *Stat.* 5. *cap.* 11. *F. M. B.* 82. If then these uncertaine services and duties, to avoid opposition and Injustice, ought to be taxed in Parliament, much more the uncertaine and indefinite Tax being no dutie nor debt at all, and not yet prescribed or reduced to any certainty by any Law.

Secondly, no Dismes, Quadrismes, or grand Customes, and such like, can be imposed by the very common Law, though usually subsidies and supplyes, but by Act of Parliament, as appeareth by all them in *Fitz* and *Brookes* Abridgements, titles, Quadrismes, 9. *H.* 6. 13. *grand. Cust.* 26. 4. *E.* 4. 3. 4. 5. *Fitz Bar.* 304. 14. *E.* 3. 21. 26. *E.* 3. *cap.* 11. 45. *E.* 3. 4. 11. *Rich.* 2. 9. *Dyer.* 45. 6. 165. therefore much lesse the unusuall and extraordinary Taxes of Ship-money, amounting the first yeare to ten fifteenes, and this yeare to three subsidies a man, of which there is not one syllable or tittle in any of our Law Books.

Thirdly, No Law can be made within the Realme, to binde the Subjects either to the losse of Libertie, Goods, or member, by your Majesties absolute power, nor yet by your Majestie, nor the Lords in generall, without the Commons consent in full Parliament, as is resolved in these

common Law Bookes, 11. *H.* 6. 17. *Ployd.* 74. *M.* 19. *E.* 3. *Fitz Iurisdict.* 28. *Annum*, the very reason why Acts of Parliament binde all, is becauſe every man is partie and conſenting to them, 3. *E.* 4. 2. 2. *E.* 4. 45. or 4. *H.* 11. 22. *H.* 1. 5. *Ployd.* 59. and 396. If then no Lawes can be impoſed on the Subjects, but ſuch as are made and conſented unto by them in Parliament, becauſe every Law that is penall deprives them either of their liberties, perſon by impriſonment, or the propertie of their Goods by Confiſcation, much leſſe then any Tax, or the Tax for Ship-money, for the which their goods ſhall be, and are diſtreined, the perſons impriſoned, in caſe they refuſe to pay it, contrary to *Magna Charta promiſ. Stat.*

Fourthly, every ſubject hath as abſolute propertie in his Goods by the common Law, as he hath in his lands, and therefore as your Majeſtie cannot lawfully ſeize any of your Subjects lands, unleſſe by ſome juſt title or forfeit upon a penall Law or Condition infringed, or by the parties voluntary conſent, ſo cannot you ſeize upon his Goods, unleſſe by ſome Grant from the partie himſelfe, either mediately as in Parliament, or immediately for ſome debt, or either granted you in like manner, therefore not for Ship-money, unleſſe granted by common conſent in Parliament.

Fiftly, it is a Maxime in all Lawes civill and common, and a principle of reaſon and nature, *Quod tangit dom. ab omnibus debet approbari, Regis Iac.* 11. 9. This Rule holds in all naturall and politique

litique bodies, nothing is or can be effected by the head, hand, or foot alone, unlesse the other parts of the body, or faculties of the soule assent. In all elections popular, where there are diverse Electors, there must either be a generall consent of all, or of the maior part, or otherwise the election of the fewest, or one onely is a meere nullitie, in all Parliaments, Colledges, Synods, Cities, Cathedrals, in Laws, Canons, Ordinances, or by Laws, neither Levies, nor Taxes can be imposed, but by all, or the Maior part. The Bishop, or the Deane without the Clergie, the Major without the rest of the Corporation, the Abbot without the Covent, the Master of the Colledge, without the fellowes, the Master or Wardens of Companies, without the Assistants, the Lords of the Parliament without the Commons, nor the lesser part, without the consent, or against the greater part; in all these can doe nothing, either to binde or charge the rest by the Common or Civill Law. Your Majestie therefore by the same Reason, being but a member of the body politique of *England*, though the most excellent and supreame above all the Rest, can impose no Lawes, or binding Taxes on your Subjects, without the common consent in Parliament, especially now in times of peace, when a Parliament may be called and summoned to helpe these.

Sixtly, if your Majestie shall grant a Commission, to imprison, or to seize any of your Subjects Goods without any Indictment or Proces of Law,

that

that hath been adjudged voyde and againſt Law. 42. *H.* 8. *tit.* 5. *Br. Commiſsion* 15. 16. therefore your Majeſties Writts to diſtreine mens Goods, and impriſon their perſons or bodies for Ship-money, muſt be ſo too. And as your Majeſty by your Letter cannot alter the Common Law, 6. *H.* 4. 5. 10. *H.* 4. 23. ſo neither can you doe it by your Writts, 11. *H.* 4. 91. *Br. Prerog.* 15. 49. *aſs.* 37. *H.* 6. 27. 3. *H.* 9. 15. 18. *Ed.* 4. 76. 5. *H.* 4. 21. *Ed.* 4. 79. *Book pat.* 25. 52. 41. 53. 69. 79. 73. 100. *Deſcent* 57. *Dangilt* 9. *Fitz toll.*

Seaventhly, it is a Maxime in Law, that no man ought to be Judge in his owne Caſe, and therefore no man can have Cognizance of Pleas where himſelfe is Judge and partie. And if a Lord of a Mannor preſcribe in a Cuſtome to diſtreine all beaſts that come within his Mannor damage feazant, and to deteine them untill Fine be made to him for the damages at his will; this preſcription is voyde, becauſe it is againſt reaſon, that he be Judge in his owne Caſe; for by ſuch meanes, though he had damage but to the value, but of old, he might aſſeiſe and have a hundred pound, *Tit.* 31. *Iac.* 2. 11. 212. *Cau. ibm.* 3. *E.* 3. 24. 4. *E.* 3. 14. 10. *E.* 3. 23. 28. *E.* 3. *Plac.* 20. *H.* 4. 8. *Br. Lett.* 12. 7. *H.* 6. 13. 9. *H.* 6. 10. the ſame holds in reaſon concerning Ship-money, if it lay in your Majeſties power to impoſe, what ſumme they pleaſed upon your people, you ſhould be Judge in your own Cauſe, and ſo your Majeſtie by your Officers miſ-information for their owne

private

private lucre might levy farre more than need requires for your service; yea, so much, and so often, as would soone exhaust your whole estates, which is against both reason, and justice, and therefore this concurrent assent in Parliament is requisite, that no more be demanded then shall appeare to be necessary to avoyde opposition, both in frequency of the opposition, the quantitie of the summe collected, and the undue and unequall Taxing thereof.

Eightly, if your Majesty by your absolute authoritie, might impose such Taxes as there at your pleasure might be fulfilled on your subjects, you may doe it as often, and raise them as high as you please; for what Law is there to hinder you from it, but that which denies you any power at all to doe it. Now if you may impose these Taxes as often, and raise them as high as you please, even from a hundred to two hundred Shippes every yeare, aswell as fortie or fiftie in times of peace, and distreine upon all your Subjects Goods, and imprison their bodies for it, then all their Goods, Lands, and Liberties will be at your Majesties absolute disposition, and then are we not free-borne Subjects, but villaines, and rascalls, and where then are our just ancient Rights, and Liberties, confirmed by your Majesty in the Petition of Right, which you have protested you are bound in conscience to performe and keepe inviolable.

Ninthly, it hath beene adjudged in auncient

time, that the Kings of *England* cannot by their prerogative create a new Office by Pattent in Charge of the people, neither can they graunt Murage, or any such tallage to, or demand it of any one by Writ, or Pattent, becauſe that it is in Charge of his people, *Que ne part eſt ſans parliament*, 13. *H.* 4. 14. *Br. Pat.* 12. 37. *H.* 8. *Pat.* 100. therefore by the ſame reaſon that Tax, that layes a farre greater Charge upon the Subject, than any new Office, Murage, Tallage, Travers, or thorow Toll, cannot be impoſed but by Act of Parliament.

Tenthly, admit your Majeſty by your abſolute prerogative might enforce the Subjects to ſet out Ships to guard the Sea, yet we conceive humbly as things now ſtand, you cannot doe neither in Honour, nor Juſtice, nor yet in that way and proportion as it is now demanded.

For firſt, we humbly conceive, that your Majeſty cannot impoſe this annuall charge on your Subjects, and wholy, becauſe you receive Tunnage and Poundage of your Subjects, on purpoſe to guard the Seas, and eaſe your Subjects of this burthen, which is ſufficient to diſcharge the ſervice, with a large ſurpluſage beſides to your Majeſty, either therefore your Majeſty muſt now both in Juſtice and Honour releaſe the Tax of Ship-money, or els your Tunnage and Poundage, ſince either of them are ſufficient for the ſervice, and one of them not due, if the other be taken.

Secondly,

Secondly, we humby conceive that you cannot demand it now in a generall peace, when there is no feare at all of forraigne enemies, or open warre, proclaimed against any neighbour Prince, or State, there being, as we beleeve, no president for any such Tax in the time of peace.

Thirdly, we conceive that since the Writ enjoyned every County to furnish a Ship of so many Tunnes, for so many moneths;

First, that no Counties can be forced to furnish, or hire any Ships, but those that border on the Seas, and have Shipping in them.

Secondly, that they cannot be compelled to furnish out any other Ships, of any other burden, than such as they have for the present, unlesse they have convenient time allowed them to build others.

Thirdly, they cannot be compelled to levie so much money, to returne it to your Exchequer, or to any of your Officers hands, as now they doe when they cannot call them to account, to see how the money is imployed, but that they may, and ought to appoint their owne Officers, Treasurers, and Collectors, to make their owne estimates, proportions, and provisions at the best, and cheapest Rates, as every one doth that is charged and over-rated in their estimates, and put to almost double expence by your Majesties Officers, who are not, neither can be compelled to give your Subjects any accompts, as those Officers may be that collected the Subsidies of Tunnage and

Poundage anciently were to doe, 5. *R.* 2. *cap.* 3.

Fourthly, that they cannot be compelled to hire your Majesties Ships at such rates and with such furniture and provisions, as your Officers shall seeme meet to have and appoint for them; for by the same reason, your Majesty may enforce those Gentlemen and grand Souldiers, who are bound to keepe Launces, and light Horses, or to provide Armes in every Countie, though they have Armes and Horses of their owne, which are serviceable, to buy or hire your Majesties Horses and Armes every yeare at such Rates as your Officers please, and lay by their owne at your owne Officers rates, and your Merchants that traffique, onely in your Majesties Ships, not in their owne at your owne Officers rates, there being the same reason in both. But your Majesty, as we suppose, cannot enforce your Subjects to the one, to hire your Horses, Armes, or Ships, to trayne or trade with, therefore not to the other.

Fiftly, that they cannot be compelled to contribute money to set out forty seven Ships, as they did the last yeare, and yet but twenty seven, and some of them of lesse burden then limited in the Writts to be set out by your Officers, and so scarce halfe the pretended number imployed, and not that money collected, disbursed in that pretended service.

Sixtly, that they cannot be enforced to provide forty, forty five, fifty shot round of Powder and Bullets for every Piece in the Ship; now

there

there is a generall peace, and no likelihood of Sea-fights, when fifteene, twenty, or twenty five at moſt round is ſufficient, and no more was allotted in eighty eight, when the *Spaniſh* Fleet came againſt us, and was of purpoſe, as may ſeeme, to put them to double charge.

Seaventhly, that they cannot be enforced to pay for new Rigging, Cables, Anchors, Carriages, Powder and Shot, Matches, Pikes, Muskets, & that every yeare, when little or nothing at all of that proviſion provided and payd for by them the firſt and laſt yeare both, is ſpent but onely victualls, and wages, and all the other proviſion at the end of the ſervice taken into your Majeſties ſtore-houſe, and ſo to buy their owne Powder, when the twenty ſeaven Ships were ſet out, and thereby at the firſt gained foure pence in every pound of Powder, when they were ſo ſet out, all which were taken into your Majeſties ſtore-houſes at their returne, but what was vainely ſhot and ſpent away the laſt yeare, and bought againe afreſh, amounts to ſixteene pence cleere gaine in every pound, and if this third yeare were brought over againe, as it is likely according to a new eſtimate, will be two ſhillings foure pence cleere gaine in every pound, the like doubled and trebled againe will be now and every ſubſequent yeare, if this Tax proceed upon Powder, Shot, and Match, Carriages, and ſo forth, and all ſuch victualls the onely proviſion that is ſpent, the moſt part of the reſt returning, which if your Subjects found and

provided at the best rate, and tooke againe into your owne stores upon the Ships returne one quarter of that that they are now rated at, at the best rate, by reason that the remaining provision would discharge the intended service.

Eightly, that they cannot be enforced to contribute seaven thousand pounds to the furnishing out of a Ship of seaven thousand Tunne, according to your Majesties Officers estimation, when as they themselves would every way furnish one at the first for five thousand pound and lesse, and the next yeare for lesse than halfe the money, by reason of the remaining store.

Ninthly, that they cannot be enforced to give your Majesty after the rate of sixteene shillings or eighteene shillings the Tunne, by the moneth, for the hire of your Ships, when as they can hire other Ships for foure or five shillings the Tunne a moneth, or under, and your Majesty allowed them no more for their Ships than foure shillings a Tunne, when they were imployed at *Callis* or *Rochell* voyage, some of which money is yet unsatisfied, through the Officers default, to their impoverishing, whereas your Majesty receives all, or the most part of the money before hand, ere the Ships doe set out to Sea.

Tenthly, they ought not to be charged with any such Tax, unlesse those Officers and others whom your Majesty imployes to guard the Sea, put in good securitie, and preserve your Subjects, friends, and Allies, from Pirats and others without

out damage and losse to any of them. And if any sustaine any damage or losse as none ever did more in our memory, than the last yeare in the west Coasts by the Turkes, to give them full satisfaction and damage, as those that undertooke to guard the Seas at the Subjects charge were obliged to doe, 5. *Rich.* 2. *Stat.* 2. *cap.* 3. the which is but just and equall.

Eleventhly, they conceive, that every Subject that is not a Sea-man, is bound by the Law to provide Horse and other Armes for Land service, at their owne proper Costs, according to their estates and abilities, and therefore ought not by Law to be double charged with Sea and Land service too. But that Marriners and Seamen that are freed from Land service, Muster and Armes, ought onely to be charged with the Sea-service, either out of their owne proper Costs, if discharged of Tunnage and Poundage, or else upon your Majesties, as they were in *Mathew Paris*, *Anno* 1213. *cap.* 224. *Mathew Westminster*, *Anno* 1613. *pa.* 91. and since in Eighty eight, when Land-men were discharged from Sea-service, and Sea-men from Land-service, the one serving with their Horses and Armes onely on Land, the other with Ships on the Sea onely: when *Philip* of *France* intended to have invaded the Land, and deprived King *John* of his Crowne, whom the Pope had injuriously deposed. Upon those grounds wee humbly represent this to your Majesties just and royall consideration. And we most humbly conceive

ceive the Tax of Ship-money is altogether unjuſt and unequall, eſpecially as it is now ordered, and therefore humbly pray to be freed therefrom.

Secondly, admit your Majeſty by your abſolute power prerogative, might impoſe this preſent Tax as it is now levied and ordered, yet it is a great grievance, not onely in regard of the forenamed particulars, ſpecified in the preceding Reaſons, but of theſe alſo enſuing.

Firſt, in regard of the greatneſſe and exceſſiveneſſe of theſe Charges and Taxes; the firſt to the Port Townes only for twenty ſeaven *Anno* 1634. came in moſt Townes to fifteene Subſidies a man, and that the laſt yeare for forty ſeaven Ships to all Counties of *England* and *Wales*, amounting to three or foure Subſidies in every Countie or more, this preſent yeare for forty ſeaven Ships to as much, all theſe payable at once, the higheſt Tax that ever was impoſed on Subjects in this Realme, for ought wee reade in our Stories, and that in times of generall peace, when the Subſidies of Tunnage and Poundage, of purpoſe to guard the Sea, by treble, if not ſix times greater than in Queene *Elizabeths*, or any other Princes dayes before hers; and halfe of the Tax or leſſe, as we ſhall be able to prove and make good, will furniſh out the Ships ſet forth.

Secondly, the annuall viciſſitude of it for three yeares together, in the time of peace, not to be paraleld in any Age, which is like to make a dangerous

gerous president for us and our posteritie after us.

Thirdly, the inequalitie of taxing of it, in the first Tax ordinary Merchants charged, to pay, ten, twelve, fifteene, yea, twenty five pound, or more; when as diverse of your great Officers, Earles, and Lords, who had fortie times greater Estates and Annuall revenewes, payd but two, three, foure, or five pound at the most. The last yeares Tax was rated accordingly in Cities and Corporations, where the middle and poore sort of people, payd more than the richest; and in the Countrey, where men are now rated by the acre; some Farmers pay more than the richest Knights or Gentlemen, and many poore men who have scarce bread to put in their mouthes, are faine to sell their pewter, bedding, sheepe, and stocke to pay it; the like inequalitie is in this present yeare, and how the poore who made such hard shift the last yeare, can be able to discharge this, wee are not able to conceive, especially in *London* and other Cities, who are and have been visited with the plague, where thousands that lived well before the sickneſse, now live upon almes, and they that have meanes and wealth now by the meanes of want of trading, the charge of their families, and their seasements to relieve the poore, are become poore themselves, fitter to have reliefe, than to pay so heavy a Tax as this.

Fourthly, the abuse of some Sheriffes and Of-

ficers, in levying farre more than is prescribed in the Writts, as in Lincolneshire the last yeare, and other places before.

Fiftly, the distreining of such Goods, Chattells, and other Commodities, for Ship-money, as are imported, not exported, whereas no goods, but of such as had Lands onely, have been anciently charged with any Tax towards the guarding of the Seas, as appeareth in the severall Acts of Tunnage and Poundage.

Sixtly, the ill guarding of the Seas against Turkes and Pirats, notwithstanding the great Tax, more mischiefe being done by them both by Sea and Land, more of our Ships taken and pillaged by Sea, and some persons carried away Captive from the Land, in the West parts these last yeares, notwithstanding the Navie, than in many yeares before, and no satisfaction given to the Subjects for their irreparable losses, which they ought in Justice to receive. If a Carrier, or Skipper undertake to carry any Goods, and they miscarry through his default and negligence, an Action of the Case lyeth against him, and he shall render all damage to the partie. Your Majesties Officers imployed by you, undertooke to secure the Sea this last yeare, yet when they knew the Turkes were pillaging in the Western parts, they negligently or wilfully left these Coasts unguarded to goe Southwards, to picke a quarrell with the Hollanders Fishermen, or to draw them to a Composition, not having a Ship thereabouts to

secure

secure those Coasts, but two onely in the Irish Seas, in the view of which some of your subjects Ships were taken, and yet not one Pirate taken, or brought in by them, though they did so much mischiefe, and tooke so many of your Subjects prisoners, to their undoing.

Seventhly, the generall feare and jealousie which your poore Subjects have of an intention of your great Officers to the Crowne, and the ayding of the Seas, a meere pretence to levie and collect it, which jealousie is grounded on these particulars.

First, the continuance of the annuall Tax for three yeares together now in times of peace.

Secondly, the sending out of twenty seaven Ships the last yeare by your Officers, when money was levied for forty seaven, and the levie of money for forty seaven Ships this yeare againe, when not above twenty seaven are to be set out: this yeare againe for ought we heare of so many, if any be collected; for these twentie Ships more than are set out in the beginning of this project, they feare worse consequence in the sequell.

Thirdly, your Officers mis-informing your Subjects to buy their owne Powder, Match, and Shot, Cording Stores, and other provisions afresh, the last yeare and this, with your full pay the first yeare, and then taken into your Majesties store at the first and last returne, and reteining the estimate as high the last yeare, and

that as at first, when as any third part of the first estimate of the old store, and other things considered, would defray the Charge.

Fourthly, your Officers having turned Tunnage and Poundage, which is onely abundantly sufficient to defend the Seas withall, into a meere Annuall revenue, and laying the whole charge of guarding the Seas upon your Subjects notwithstanding. Now if the Tunnage and Poundage to guard the Seas withall, be already turned by them into a meere annuall revenue, they feare these also will be so; the moity of the money collected, being not disbursed for the defence of the Sea, for which it is intended.

Fiftly, the speeches and mutterings of some of your Officers, who stile it a duty and project, thereby to improve your Majesties revenues; and for the greatest part of the moneys they make it so.

Sixtly, the stopping of some legall proceedings by Replevies or Habeas corpus, to bring the rightfulnesse or lawfulnesse of the Tax, to a faire, just, and speedy tryall and decision. It ever being formerly adjudged contrary unto *Magna Charta*, 129. 2. *E.* 3. *cap.* 8. 18. *E.* 3. *Stat.* 3. 20. *Eliz. cap.* 9. and the Judges Oath.

Seaventhly, the levying this as a present supply by some of your great Officers, under colour for guarding the Seas, of purpose to

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keepe off a Parliament, wherein our particulars may be heard and redreſſed, and theſe Officers who have abuſed your Majeſties truſt repoſed in them, oppreſſed your people, and violated the juſt rights and liberties condignly queſtioned.

Eightly, the diverſe Corporations of *Le. F. P.* together with the Clergie men, Exchequer men, Church lands, auncient Demeaſnes excepted from Dangilt, and all Taxes and Tallages by preſcription or penall Charters, confirmed by Parliament; and many that have been priviledged from paying of Subſidies, now burthened with this Tax, contrary to theſe Charters of exemption; which ſeverall grievances we moſt humbly ſubmit to your Majeſties moſt wiſe and gracious Conſideration.

Ninthly, Admit your Majeſtie might by your royall Prerogative, Impoſe the Tax, yet the manifold inconveniences enſuing thereupon, both for the preſent and future, which we ſhall here likewiſe in all humilitie repreſent to your Majeſties royall wiſdome, may juſtly induce your Highnes to free us from this miſchievous burthen.

For firſt it cauſeth a generall decay of trading, both by impairing moſt of the currant money of *England*, the meanes of trading, or by breaking and undoing, or caſting many poore tradeſmen, and thoſe ſo far behind hand in the world, that they cannot recover themſelves againe.

Secondly, it causeth many Farmers in the Countrey to breake, or hide their heads, or to give over their Farmes, and makes every where such a multitude of poore, that in a short time, the rich will not bee able to relieve them.

Thirdly, it procureth a great decrease and abatement in the Rent and prices of Land, and enhanceth all other kinde of common duties, and provisions, to such an extraordinary rate, as the poore will not be able to live, and subsist, nor the rich to keepe hospitalitie, and traine up their children to learning and services of Armes, to secure your Majestie, and Countrey, if this Tax should continue.

Fourthly, it stops the current of the Common Law of the Realme, by disabling men to prosecute their just suits, and to recover their rights, for want of meanes, which will breed much opposition and confusion, if not prevented.

Fiftly, it much discontents the minds, and dejects the spirits, and slackens the industry of most of your Subjects, and causeth many to leave the Kingdome, and to give over trading.

Sixtly, it so exhausts your Subjects purses now in the time of peace, that they will not be able, though willing, to supply your Majesty in time of warre, and upon other needfull, important, and necessary occasions; things considerable,

siderable, lest that which the History of Great *Britaine*, *H.* 7. 44. *sect.* 197. as *Speed* writes of Dangilt, prove true of this Tax. Likewise that it empties the Land of all Coine, the Kingdome of all their Ships, Nobles of all their Carriage, the Commons of their Goods, and the Soveraigne of his wonted respect, and reverence, and observance.

Seventhly, it makes our neighbour Princes jealous of us, moveth them to fortifie themselves extraordinarily at Sea, more then otherwise they would have done, and to call in the Turkes to annoy and infest us.

Eightly, it much hinders traffique of Merchandize, and our Fishing, by imploying diverse of our ablest Ships, Masters, Pilots, Marriners, and Fishermen for this service, who otherwise should and would have been imployed in Merchants voyages and fishings.

Ninthly, it is like to bring in great insupportable burthens, and an annuall and constant pay of above three if not foure Subsidies a yeare upon your Subjects, and so breed a dangerous president for posterity, if not now released, or withstood; For though commonly one swallow maketh not a summer, yet as *Mat. Paris Hist. Angl.* 822. & 625. *Si nunc iterum fieret, timeri posset non immerito, ne ad consequentiam traheretur; Binus enim actus inducit consuetudinem. Eo ipso resistendum est, quod Franci contribuerunt. Binus enim actus inducit consuetudinem.* A double and treble payment

payment without oppoſition, will introduce a Cuſtome and preſcription, be the Taxes never ſo unjuſt and unreaſonable; as the Prelates and Clergie themſelves could joyntly conclude in *Henry* the thirds time, in the Caſe of Taxes.

Theſe moſt Gracious Soveraigne, are the grounds and reaſons wee humbly repreſent to your ſacred Majeſty, againſt the Tax of Ship-money, ſet on foote, as we have juſt Cauſe to ſuſpect, by ſuch who ayme more at their private lucre, and ſiniſter ends, then at your Majeſties Honour and ſervice, or your kindreds welfare; upon which we moſt humbly ſupplicate your Majeſtie to be exonerated of it, ſince for the premiſed reaſons, we neither can nor dare contribute any more to it. Now becauſe theſe men who have put your Majeſty upon theſe projects, pretend ſome auncient preſident for the lawfulneſſe of this Tax for the Ship-money, thereby to induce your Majeſty, whoſe Juſtice and integritie they know is ſuch, as will never conſent to any the leaſt taxations, unjuſtly to oppreſſe your Subjects withall, contrary to the juſt rights and liberties confirmed by your Majeſty, and your owne Lawes, to impoſe it, and exact it as a juſt dutie, and lawfull tallage, wee ſhall here for the opening of the unlawfulneſſe of it, give a briefe Anſwer to the chiefeſt of theſe preſidents, which they produce and ſuggeſt to your Majeſty, to manifeſt the illegalities of it. In generall, we give this Anſwer to all

the

the presidents they produce to justifie this Tax.

That there is no direct president in point of Law, to compell the Subjects to finde Ships to guard the Seas, or if there be any one such president, yet that never ruled, neither was adjudged lawfull upon solemne debate, either in Parliament, or any other Court of Justice.

Secondly, the presidents produced that have any colour at all to prove the Tax just and legall were before *Magna Charta*, and the Statutes afore-cited, Taxes and Tallages without consent of Parliament, or at least before Tunnage and Poundage were granted for guarding of the Seas, and not since.

Thirdly, that they were onely in times of warre, and open hostilitie, not of peace, as now, this will sufficiently answer all presidents that can be produced.

Fourthly, that they were onely either in times of warres, and open hostilitie, or that they were by assent in Parliament, or els withstood, and complained of, as grievous if otherwise.

Fiftly, that they were onely for suppressing and taking off Ships upon the Kings hire, and wages, not for setting out of Ships on the Subjects proper Costs, or els for stay of Ships for a time, and so impertinent to the Case in question.

Sixtly, that these presidents were not annuall, or for sundry yeares together, but rare, once perchance in an age, and that on speciall occasions, in time of eminent danger, and will not prove pertinent, if duly examined.

These generall Answers now premised, wee shall descend to the most materiall particular presidents, the answering which alone will cleere all the rest.

A maine president they insist on, is that auncient Tax of Dangilt, they say the same was lawfully imposed by his Majesties royall progenitors on his Subjects by meere royall authoritie without act of Parliament, to defend the Seas and Realme against the Danes. Therefore his Majesty may now impose on his Subjects the like Tax by his royall Prerogative.

To this objected president we answer, that there was a double kinde of tribute, called Dangilt, memorized in our Chronicles, and Writers. The first *Wigornienſis*, and *Mathew* of *Weſtminſter*, *Anno* 983. 986. 994. 1002. 2007. 1011. 871. 873. 1041. *Polichronic. lib.* 1. *cap.* 5. *lib.* 7. *cap.* 15. 16. *Fabian part* 6. *cap.* 194. 200. *Graſton pa.* 162. 164. 165. Maſter *Speeds* Hiſt. *lib.* 7. *cap.* 44. *ſect.* 20. 14. 22. 25. *lib.* 8. *cap.* 2. *ſect.* 12. *William Malmesbury de Juſticia regni Angl. lib.* 2. *cap.* 12. *pag.* 76. 77. *John Saliſbury de luctis Anglie. lib.* 8. *cap.* 22. *Ad finem.*

Spilman

Spilmangloſſar. pag. 199. 200. *Floud. An. pa.* 10. 428. *Raſtalls* tearmes *de ley, Lit. Dangilt, Minſhams* Dictionary, *title Dangilt. Seldens Mare Clauſum, lib.* 2. *cap.* 11. 15. Impoſed by and paid to the Danes themſelves, as to conquering enemies, by way of Compoſition tribute, to the which the King himſelfe did contribute as well as the Subjects. This Compoſition was firſt begun by *Puſillamenus*, King *Ethelbert* by ill advice, *Cretineus* Archbiſhop of Canterbury, and other Nobles, *Anno* 991. This tribute came to ten thouſand pound, *Anno* 983. to as much 986. to 16994. to the like 102. to fourteene thouſand pound, *Anno* 1607. to 300. out of Kent alone *Anno* 1012. to twenty eight thouſand pound, *Anno* 1014. ſo *Mathew* of *Weſtminſter* and others write, that *Ethelbert* at five ſeverall times paid the Danes 113000. pounds, and there was granted to him an annuall tribute of 48000. pounds, to be exacted of all the people, which properly was called Dangilt; which tribute was exacted and collected by *Hardicanute*, whoſe Officers were ſlaine at *Worceſter* in gathering up this exonerable tribute and importable, as *Mathew* of *Weſtminſter*, and *Malmeſbury* terme it, *De hoſtibus regni Angl. lib.* 1. *cap.* 12. *pag.* 76. 77. And when King *Swanus* the Dane exacted this tribute from Saint *Edmondſbury*, out of King *Edwards* Lands, which pleaded exemption from it, he was ſtabbed to death with King *Edwards* ſword in the middeſt

of his Nobles, as our Historiographers report. Nay, the Dangilt, which may be so termed because it did gelt much and pare mens estates, and emasculated their spirits, hath no Analogie with this Tax of Ship-money.

For first it was not payd to a King, but to a conquering Enemy.

Secondly, it was payd by the King himselfe, as well as by his Subjects, and that not as a debt or dutie, but a composition or tribute, most unjustly imposed and exacted by an usurping and greedy Enemy.

Thirdly, it was exacted by force and violence, not by Law or Right.

Fourthly, it was payd by the joynt composition, and agreement both of King and people, not by the Kings absolute power; that is evident by *Florentinus Wigornienſis*, and *Mat. Weſtminſter*, *Anno* 983. *Danis omnes portus regni infeſtantibus, dum neſciretur, ubi eis occurri deberet, decretum eſt à viris prudentibus, ut vincerentur argento, qui non poterant ferro. Itaque decem millia librarum ſoluta Danorum avaritiam explevérunt*, *Anno* 991. *Quo audito, datum eſt ijs tributum decem millia librarum per Conſilium Syrici Cantuarienſis Archiepiſcopi, & aliorum nobilium Regni ut a crebis rapinis, cremationibus & hominum cædibus quæ circa maritima agebant ceſſarent*, *Anno* 994. *Tunc Aethelredus per Conſilium ſuorum nobilium dedit iis penſionem de tota Anglia collectam* 16000. *librarum ut à cædibus hominum*

minum innocentium cessarent, Anno 1002. *Rex Aethelredus Consilio suorum ob multas Injurias à Danis acceptas tributum illis statuit, & taxati Angli fuere, ut pacem cum eis firmam tenerent, cujus postulationem Concesserunt, & ex eo tempore de tota Anglia sumptus illis & tributum quod erat* 36000 *lib. persolvebatur, Anno* 1012. *Dux Edvardus & omnes Angliæ primates utriusque ordinis ante Pascha Londini congregati sunt, & ibi tam diu morati sunt, quousque tributum Danis promissum quod erat* 45000. *l. persolverent.* By all which it is evident, that this tribute was not imposed by the Kings absolute power, and will, but by the common consent of all the Peeres in Parliament.

Fiftly, it was payd to save and ransome their lives and liberties from a conquering Enemy, not to a Gracious Prince, to secure them from an Enemy.

Sixtly, it was then thought and called by all our Historians an Intolerable grievance and oppression; which as *Speed* saith in his History of Great *Britaine*, *lib. 7. cap.* 44. *sect.* 147. and others, emptied all our Land of all our Coine in the Kingdome. Therefore in all these respects, no warrant at all of the lawfulnesse of this Tax, but a strong Argument against it, to prove it both an Intolerable grievance, and an unjust vexation.

The second Tax, called Dangilt, intended in the Objection, is thus defined in *Edward* the

Confessors Lawes, *Cap.* 28. by that famous graund Inquest of twelve of the principall men out of every Countie of *England*, appointed by *William* the Conquerour in the fourth yeare of his Reigne, as *Hoveden*, *pag.* 602. 603. Dangilt was enacted to be payd by reason of Pirats infesting the Countrey, who ceased not to waste it all they could. To represse this their Insolency, it was enacted that Dangilt should be yearely rendred, to wit, one shilling out of every Plough land throughout *England*, to hire those that might resist or prevent the occasion or eruption of Pirats. The black Booke of the Exchequer, *Lib.* 1. *cap.* 11. thus defines it, to repulse the Danes; It was enacted by the Kings of *England* in Parliament, that out of every hide of Land by a certaine perpetuall Rent, two shillings should be payd to the use of Valiant men, who had diligently and continually should guard the Sea Coasts, should represse the force, and the assaults of the Enemy; because therefore two shillings rent was principally instituted for the Danes, it was called Danes gelt. But that president of the second sort of Dangilt, most insisted upon, is so farre from warranting of the lawfulnesse of this present Tax, that in truth it is an unanswerable argument against it, if well considered; For the first, it was not imposed upon the subject by the Kings absolute Prerogative, as this is; but granted and imposed by Parliament,

with

with the peoples consent, as Tunnage and Poundage hath been since.

This is evident by the Lawes of the Confessor, *Et ad eam insolentiam reprimendam, statutum est dare geldum, reddi conjunctim, &c.* If therefore at first enacted to be payd yearely one shilling out of every hide of Land, to finde men to guard the Sea and Sea Coasts, against the Danes and Pirates, that then this was certainly granted and enacted by Parliament, since the King alone by his absolute power, much lesse to such a Writ as now issueth, could make no such Act or annuall Law.

Secondly, by this the blacke Booke of the Exchequer, *H.* 1. *cap.* 11. *Ad injurias igitur arcendas à Regibus Angliæ*, to wit, in Parliament, where the Kings of *England* are said onely to enact Lawes, and the Lawes then enacted are said to be the Kings Lawes and Acts, because his assent is unto them binding, *Statutum est ut de singulis hidis Iure quodam perpetuo duos solidos argenti solverent ad usus nostros, cum factum & hoc legitur antiquâ lege, &c.*

If then this were enacted by a certaine perpetuall Law, and payd by an annuall Law, as by this Exchequer Record appeares, then certainly by an Act of Parliament.

Thirdly, by an addition to the Lawes of King *Edward* the Confessor, *Cap.* 12. cited in

Hoveden

Hoveden likewise, *Annalium posteriorum pag.* 603. which saith that every Church whersoever situated is exempted from this Tax, untill the dayes of *William Rufus*, becausse they put more confidence in the prayers of the Church, than in the defence of Armes, *Donec tandem à Baronibus Angliæ auxilium requirebatur ad Normandiam requirendam & retinendam de Roberto suo fratre cognomine Curt. concessum est ei, non lege sanctum atque firmatum, sed hoc necessitatis causa erat de unaquaque hide, quatuor solidos, ecclesia non excepta: dum vero collectio census fieret proclamabat, ecclesiæ suæ reposcens libertatem, sed nihil profecit*, by which exemption of the Church and Church Lands, from this Tax, and this requeſt of *William Rufus* to his Barons, to grant him their Ayd, to gaine and retaine *Normandy*, which they did grant unto him onely for their preſent neceſſitie, but did not annually eſtabliſh and confirme the graunt of foure ſhillings on a hide land by Law, as Dangilt firſt was granted, and that upon the lands of the Church, as well as others, it ſeemes moſt apparent, that Dangilt and this Tax ſucceeding in lieu of it, and then taken by graunt, was firſt granted by Parliament, and that then no ſuch Tax could be impoſed by Kings, even in times of warre and neceſſitie, to regaine and preſerve their proper Inheritance, but by Parliament.

Fourthly,

Fourthly, by Sir *Henry Spilman* in his authorized *Glossary*, 1626. title *Dangelt*, pa. 2009. 201. Mr. *Selden* in his *Mare clausum*, 1636. dedicated to your Majesty, and published by your Majesties speciall cõmand, 6. 2. *cap.* 11. 15. who both include to this opinion, that the *Dangelt* was most imposed by royall authority, but given by the peoples full consent in Parliament, and that the taxes which succeeded were not annually granted nor paid, but onely in time of Warre, *sc. Consult. etiam magnatibus & Parliament. secundum authoritatem*, the advice of the great men of the Kingdome and by the authority of Parliament. If then this taxe of *Dangelt* to defend the Seas was granted and imposed by Parliament onely with these taxes that succeed it, not by the Kings royall prerogative without a Parliament: This taxe for the Shipmoney also ought to be thus imposed, and not otherwise even by these present Examples.

Secondly, the *Dangelt* was not imposed or enacted in times of Peace, but if Warre ceased, the taxe also ceased in point of Law, and it is Iustice according to the Law and Philosophers rule, *cessante causa, cessat effectus*, that the taxe lasted and was granted, and lawfully taken, onely during the warres with the Danes, is most apparant by the fore-recited orders of *Edw.* the Confessors Lawes, *cap.* 12. by the black booke of the Excheq; *lib.* 1. *cap* 11. which addes moreover, that when the land had the taxe being vnder *Wm.* the

Conquerour, *Noluit hoc annuum solvi quod erat urgenti necessitate bellicis tempestatibus exactum, non tamen omnino propter Importunarum causas dimitti rerum: igitur temporibus ejus vel successoribus ipsius solutum est hoc cum ab exteris periculis bella vel opiniones bellorum fuere*, which Sir *Henry Spilman* in the very same words, *in librum Glossarii*.

If then this *Dangelt* though granted by Parliament, was due and collected by right on the subjects onely in time of forraigne Warres, not in dayes of peace, we have neither open Warre nor any opinion nor eminent feare of Warres with any enemy, or forraigne danger, but a direct president against it, we being now in peace with all our neighbours,

Thirdly, the *Dangelt* though granted by Parliament, when it begun to be usurped as an annuall duty by the Kings of *England*, and that in times of peace, as well as Warre, was complained of as an insufferable Grievance, and thereupon formerly released to the subject by foure severall Kings: First by that good and gracious King, *Edward* the Confessor, of *W. Ingulphus* our ancient Historian, *pa.* 897. which Mr. *Selden* in his *Mare clausum*, and Sir *Henry Spilman* in his *Glossarium* title *Dangelt* out of him writes this, *Anno* 1051. when the Earth yeelds not her fruits after

after her accustomed fertilitie, but devoured divers of her Inhabitants with Famine, Insomuch that many thousands of men dyed for want of Bread, the most pious King *Edward* the Confessour moved with pity towards his people *Tributum graviss.* the *Dangelt dict*, or by *Angl. imperpetuum relaxavit*, *for ever released to* England *the most grievous taxe called Dangelt*; some adde and report, that when his Lord Chamberlaine had brought the *Dangelt* then collected into his Bed-chamber, and carried him in thither to see so great a heape of Treasure, the King was agast at the very sight of it, protesting that hee *saw a Divell dance upon the great pile of money, and tryumphing with overmuch Joy*; whereupon hee presently commanded it to be restored to the first Owners, *Ex tam fera exactione ista ne unum volint ritinere.*

An excellent precedent both of Justice and Charity for your Majestie now to imitate in these dayes of Plague and penury, *qui enim inperpetuum remisit*; To wit, in the 28 yeare from that time that *Swanus* King of the *Danes* commanded it yearely to bee payed to his Army. In the time of King *Ethelbert* his Father, *Matthew Westmonaster.* 105 *Polycronicon. lib. 6. cap. 24. Fabian* in his *Chronicle, pag.* 150. and *Speed* in his Historie of *Great Brittaine, Liber* 8. *cap. 6. sect. 7. pag.* 410. with

others record, that *Edw.* the Confessor discharged *Englishmen* of the great and heavy tribute called *Dangelt*, which his Father *Ethelbert* had made them to pay to the souldiers of *Denmark*, so that after that day, saith *Fabian*, it was no more gathered.

This good King releasing it to all *England* as a most cruell and heavy taxation, and restoring that mony collected by it, to his eternall Honor, we hope his Majesties gracious Successor can or will alter that which hath beene discontinued 600 yeares and upwards, & can renue it by your prerogative as a lawfull duty, but rather for ever to remit it, and restore the money collected as he did.

Secondly, it was released by *Wm* the Conqueror from requiring it, there was the like tax for a time imposing a taxe of 6 s. on every Hide of land toward the payment of his souldiers as a Conquerour, caused rebellion against him in the Western parts, *polycronicon lib. 7. cap. 3. Fab. 7. lib. cap. 119 220 pag. 300 308.* did at the last release this taxe of *Dangelt* but onely in time of warre, as appeareth by the black booke in the Exchequer formerly cited, which writes thus: *Ipse namq; regnat tam diu quam terræ marisq; predones hostiles cohibet incursus, Cum ergo dominus solviſſet terre sub ejusdem Regis Jmperio noluit hoc esse annũ quod solv. fuerit urgente neceſſitate bellicis tempestatibus exactum nec tamen annuum non propter Inopinatos casus, dimitti ratione igitur*

tem-

temporibus ejus, or rather never for ought appeares by our Chronicles and Records, *vel successorib. ipsius solutum est, hoc est cum exteris gentibus bella vel opiniones bellorum insurgebant*: This Conqueror therefore releasing the annuall payment of it in time of peace, as unjust and unreasonable and against the primitive institution of it, and demanding it onely in time of warre, your Majesty comming to the Crown by lawfull succession and Inheritance, not by an absolute conquest as he, ought much more to release, and by no meanes to demand any such taxe in times of peace.

Thirdly, it was released by King *Hen.* 1. who as in the beginning of his raigne *Spilmans Glossary, pag.* 200 201. exempted the Charter of *London*, and all Knights by his great Charter from *Dangelt*, to wit 12^{d} out of every hide land, or other land, which taxe it seemes by his lawes, *cap.* 16. was granted to him in Parliament, so hee made a vow he would release the *Danes* tribute, *Polycronicon lib.* 7. *cap.* 17. *Spilmans Glossary, pa.* 200. 201. & it seems he was as good or better thē his word; for *Fab. pag.* 7. *cap.* 239. *pa.* 327. and 4th story that he releases vnto *Englishmen* the *Dangelt* that was by his Father removed, to wit, by a grant in Parliament, as appeares by *Edw.* the Confessors lawes, *cap.* 12. the lawes of *H.* 1. *stat. cap.* 16. *Hovedens* annuall *parte posteriori, pa.* 603. *Spil. Glossary, pa.* 200 201. and he released it, then also we hope your Majesty cannot in Justice renue it or the like taxe now.

Fourthly, it was releaſed by King *Stephen* both at his Coronation, and a Parliament held at *Oxford*; for *Polycronicon. lib. 7. cap.* 18. *fol.* 283. *Fab.* part 7. *cap.* 232. 233. *Hovedens annum parte priore*, *Pag.* 482. *pag.* 4. *Spilman*, *pag.* 28. records, That when King *Stephen* was Crowned he ſwore before the Lords at *Oxford*, that he would forgive *Dangelt* as King *Henry* before him had done, and that *Anno* 1136. hee comming to *Oxford* confirmed the Covenant which hee had made to GOD, the people, and holy Church in the day of his Coronation, the laſt clauſe whereof vvas this; that *Dangelt*, *Id eſt duos ſolidos quos anteceſſores ſui accipere ſoliti ſunt in Æternum condonoret*, this hee would for ever, that is two ſhillings of every Hide land which his Anceſtors were accuſtomed to receive, and though *Hoveden* lay the brand of Perjurie on him. *Hac principaliter Deo venit & alia ſed nihil horum ſervavit*; Yet we neither finde nor reade in our Record or Chronicles, that this taxe of *Dangelt* or any of the like nature was ever impoſed ſince that time by him or any of his Succeſſors, but by the advice of the Great men of the Realme, *Et Parliamenti authoritate*, for ſo that *homo antiquar.* Sir *Henry Spilman* concludes in his *Gloſſe*, *pag.* 201.

Being thus for ever releaſed as an intolerable Grievance and exaction by theſe foure ſeverall Kings, and diſcontinued full 500 yeares and not

not revived. Wee humbly conceive that these antiquated and so often so anciently released exactions, or any of the like nature ought not nor cannot either in point of Honour, Law, or Justice be revived, or imposed on Us by your Majesty now, and that this Taxe is successefully released as a Grievance though at first granted by Parliament, can be no president to prove the lawfulnesse of this present Tax, but a most pregnant Evidence against it, having no cõtinuance or allowance at all from any Parliament as *Dangelt* had.

Fiftly, admit that the tax of *Dangelt* were not imposed by Parliament but onely for Regall power, and that lawfull in these antient times, as is pretended, all which we have manifestly proved voyd; yet it is no Argument at all to prove the lawfulnesse of this present taxe of *Ship-money* and that in these respects.

First, that *Dangelt* was first imposed in time of Warre and destruction before the government of the Kingdome was setled by good lawes; therefore no president for this in time of Peace, nor in this setled estate of the Realme, so long continued in wholsome Lawes.

Secondly, it was before any extant Statutes made against the imposing of any Taxe, tallage, aide, or benevolence, without common consent of the Lords spirituall and temporall, and Commons in Parliament, this and divers fore-recited Acts of this nature against it, are ratified by your Majesty in the *Petition of Right*.

Third-

Thirdly, it was before any subsidie of Tonnage and poundage granted to guard the Seas and Sea Costs to exempt the subject from these, and all other taxes for that purpose, and in truth it was the Tonnage, and poundage of those times that after Tonnage and Poundage granted to guard the Seas, &c.

Fourthly, it was certaine first 1 s. afterwards, 2 s. every hide land, and that certainly limited, this arbitrary and incertainly now, rated by any Parliament.

Fiftly, that was onely charged vpon lands, not goods, this on goods, and those that have no lands.

Sixtly, it was not alwaies annually paid, but in times of warres, as *Spil. Glossary*, *pa.* 200 and diuers others fore-recited authors have it thus:

Now for 3. yeares together in time of peace, in these respects therefore we humbly declare vnto your Majesty that this principall president of *Dangelt* is no warrant of all for lawfulnesse of this taxe of Shipmoney, but a cleere and vndeniable authority against it, in answering whereof we have defeated and cleered, and so answered most other presidents.

The next Presidents that are objected, are those out of ancient stories, *Mat. Westm. Anno* 874 writes of King *Alfred* that when the *Danes* invaded the Realme with two Navies having prepared a Navy to set it to Sea, tooke one of the

Ene-

Enemies ships, and put sixe more to flight, *Anno* 877. the enemies then encreasing in all parts, the King commanded Galies and Galeas 2 *& longas naves fubricari per Regnum, & prelio hostili adventantibus obcurrit impositisque piratio in illis viis maris custodiendis commisit Anno* 877. *&* 992, *that King Alfred appointed guardians in severall parts of the Realme against the Danes, quo etiam tempore fecit Rex Alfridus totum Navile quod terrestre prelio Regni sui tranquillitati providerat: that Anno* 1008. *Rex Ethelberdus jussit parari,* 310. *hadis navem vnam & ex orto hi tum galeam vnam & loricam, that Anno* 1040. *Rex Hardecanutus vnumquemq; reminiscisuas classes orto mencos & singulis rationibus decem naues de tota Angl. pendi precipit vnde cuncti qui ejus advent. prius oraverunt exosus est effectus.* It is added with all that those Kings imposed ships and ship-money on the subjects, therefore your Majesty may doe the like.

To these presidents we answer.

First, that they are onely in time of open *Warre*, and invasion by enemies for the Kingdomes necessary defence, not in times of peace.

Againe the three first of them are onely that the King provided a Navie, commanded ships to be builded through the Kingdome, to guard the Seas, and encounter the enemy as well by Sea as by Land, but speakes not that this was done at the subjects owne charge, nor that any tax was laid upon them for it, or that the Command of his was obeyed, or that he might lawful-

by impose a charge on his subjects without their common consent.

The fourth of them *Anno* 1008. saith of *Ethelbert*, that he commands one ship to be provided for, out of every two hundred and tenne Acres; but saith not, that this command was not by the Kings absolute power onely, for it might be by common consent in *Parliament* agreed upon, for ought appeares, or that this command was just, and lawfull; neither doth he informe us that they were built: *Wigornienſis*, *Anno* 1008. addes that they were accordingly prepared, and that the King put these souldiers into them with Victuals, that they might defend the Coasts of the Kingdome from the incursion of *Forreyners*, so that the subjects were not onely at the charge of the building of the ships, the King for the *Victuals, Marriners, souldiers, and wages, and in truth when all was done, they had but bad succesſe*, for the same *Hiſtorian saith*, that a great storme arose, which tore and bruised the ships, and drove them a shore, where *Holuo* thus burnt them, *ſic totius populi maximus labor periit*, yet this president though neareſt of all, comes not home to the present cause.

First, because it was onely to build ships in the case of necessity for defence of the Realme, where there wanted ships to guard it, but now (thankes be to God) we have ships enough already built to guard the Sea against all the World.

Second-

Secondly, every 100 and ten Acres to build a ship of 3 Oares, *unam triremem*, *Wigorn.* writes, but not taxed to pay so much to build one as now.

Thirdly, the ships built, were set out not at the subjects, but at the Kings charge and cost, therefore no president for this Taxe to set out ships built at ours.

Fourthly, the charge was certaine, and equall every hide land, being equally charged; this altogether uncertaine and unequall.

Fifthly, this was after the time of *Dangelt* was set on foot, therefore not done by the Kings absolute power, but by common consent in *Parliament*, as we have proved *Dangelt* to be granted.

Sixthly, this president proves onely that such a thing, was there commanded to be done by the King, not that the King might or did lawfully command, or enforce the subjects to doe it without the common consent.

Seventhly, that was no annuall charge put on the subjects, as that now, but extraordinary, not drawne into practice since, for ought that appeares, therefore differeth from this Tax of Ship-money.

Eightly, no corporation, or goods, were then charged but onely lands, and all were ruled by the land they held, therfore this extēds not to justifie

the tax of ship-money, which is laid upon Corporations, Goods, and such as have no Land at all.

Ninthly, no man was enjoyned this under pain of Imprisonment, nor his goods distrained, or sold if he refused it, for of this there is not a syllable, therefore no president to warrant the present imprisonment, and destreining of these mens goods, who now refuse to pay the tax, for that of *Hardicanutus* not to be just, and lawfull, but an illegall, and tyrannicall Act, which saith *Mat. Westm. Anno* 1040. made him odious and harefull to those that desired him for their King, before *Florentinus Wigornienſis*, *Anno* 1040. adds that it was such a tribute, that scarce any man could pay it, *quapropter ab iis qui prius adventum ejus desiderabant magnopere factus est exosus summopere memorabile, & importabile quod cum ciuibus extincti sunt*, and such a grievous insupportable Tax, as that was then reported, imposed by noe hereditary Prince, but a forraine Danish Tyrant who dyed in drinke amidst his cups very shortly after, as all our *Historians Record*, be made or deemed a just and lawfull president for your Majesty now to follow. (God forbid.)

Thirdly, wee answer that all these presidents were before the government of the Kingdome was setled, before any *Charter*, or other Statutes against Taxes, and tallages, loanes, aydes, and benevolences, without common consent in Parliament, enacted before Tonnage and poundage gran-

granted, therefore insufficient to this present cause.

Fourthly, neither of the presidents was ever adjudged lawfull against the subjects, and therefore not binding poore pr. 3. 93. *Slades case, Cook* 6. 75. and they are very ancient.

Fifthly, all these were during the time of *Dangelt*, and involved in it, what there we answer to that of *Dangelt*, is applyable to all, and each of these, and that making cleere nothing for this taxe, as we have manifested, these presidents must doe the like.

The chiefe and most pertinent of all other since that of *Dangelt, is that of King Iohn*, 1213. *who being injuriously deprived of his crowne and Kingdome at Rome by the Pope*: at the earnest solicitation of that arch Traytor *Stephen Langton*, Archbishop of *Canterbury*, *William* Bishop of *London*, and the Bishop of *Ely*, these Prelates departing from *Rome*, went into *France*, and there conspired with the Bishops, and King *Philip* of *France* against their owne Soveraigne; they then solemnly published the deposition and sentence of the Pope given against him at *Rome*, and then in the behalfe of the Pope, they enjoyned aswell the King of *France*, as all other men, as would obtaine remission of sinnes: that uniting themselves together, they would all goe into *England*, in an hostile manner, and depose King *John* of his Crowne and Kingdome, and substitute another worthy man in his stead by the papisticall au-tho-

rity, when as the Apostles never deposed any Princes of their Crowne and Kingdome, but commanded all to feare, and submit to them, *Rom.* 13.12.1 *Tim.* 13.12.1 *Pet.* 2. 13. Hereupon the King of *France* prepared a very strong, and great Army and Navie to invade *England* both by Sea and Land, to depose King *John*, and to get the Crowne of *England* to himselfe. King *John* having perfect intelligence of all these things, in the moneth of *March* commanded ships excellently furnished, to come together out of all the parts of *England*, that so he might with strong hand resist boldly those that intended to invade *England*, he likewise raised, & gathered together a very great Army, out of all *England*, and *Ireland*, and the places adjoyning, that *Mat. Westm.* 1213. *pa.* 90. relates the story, *Mat. Paris* addes this unto, that the King in the Moneth of *March*, caused all the ships out of the Ports of *England* to be in readinesse, by his Writ which he directed to all the Bayliffes of the Ports in these words.

Johannes Rex Angliæ, &c. præcipimus tibi quatenus visis istis literis eas in propria persona una cum balivis portuum ad singulos portus, & balliva tua, & facias diligenter numerare equos aut plures & præcipuos ex parte vestra, Magistri omnium navium illorum quorum naves sunt quot sunt, suos & naves suas & omnia sua diligenter habeant illas apud Portmosum in media quadragesis bene ordinat. bonis & probis marinellis & bene ar-

matis

matis qui ituri sunt in servitium nostrum, ad liberationes nostras & tum habeas ibi memoriter & distincte in breviat. fere post quorum nomina in singulis partibus inveneris, & quorum ipsi sunt, & quot equos quilibet ferre potest & hunc facias nobis scire quot & quæ naves iis fuerunt in partibus suis die dominico primo post cineres sicut præcipimus & habeas ibi hoc breve teste meipso apud novum templum tertio die Martii. These things thus done concerning ships, the King sent other letters to all the Sheriffes of this Kingdome, in this forme. *Johannes Rex Angliæ, &c. Summoniens per bonos summonitores Barones, milites, & omnes liberos homines & servientes vel quicunq; sunt vel quocumque tendunt qui arma debent habere, vel arma habere possunt, & qui homagium nobis vel ligantium fecerunt quo sicut nos & semetipsos & omni sua diligunt sint apud Doveram Instant. clausam paschæ bene parati cum equis & armis, & cum toto posse suo ad defendendum Caput nostrum, & capita sua & terram Angliæ quod nullus remaneat qui arma portare poterit sub nomine Culvertagii & perpetuæ servitutis & ut illi veniant ad capiendos solidos nostros habend. victualia & omnia mercata balroarium mare venire facias ut sequantur exercitum nostris hominibus belli. Ita quod mille mercarum de Ballivis alibi teneatur; alit. tuipse tum sis ibi cum prædictis summonitoribus & scias quod scire volumus quomodo venerunt & qui non, & videas quod te est formale venias cum equis & armis*

&

& hoc ita exequeris ne inde certificandum, ad corpus tuum nos capere debeamus & inde habeas rotulum tuum ad nos certificand. quis remanesrit.

These two Writs therefore being divulged throughout England, there came together to the Sea coasts in divers places where the King most suspected, to wit, at Dover, Feverisham, and Ipswich men of different condition, and age fearing nothing more then that report of Culvertage, but when after a few dayes there wanted victuals for so great a multitude, the chiefe Commanders of the *Warres* sent home a great company of the unarmed vulgar, retaining onely the Knights, their servants, and free-men, with the slingers, and Archers neere the Sea Coast; moreover *John* Bishop of *Norwich*, came out of *Ireland* with 500 souldiers, and many horsemen to the King, and were joyfully received of him. All therefore being assembled to the battle, and mustered at *Bark Downes*, there were amongst selected souldiers, and servants strong, and well armed 60000. valiant men, who if they all had one heart, and one mind towards the King of *England*, and defence of their Country: there had not bin a Prince under heaven, against whom the King of *England* might not have defended himselfe safe: Moreover, if the King of *England* resolved to joyne in battell at Sea with the Adversaries, that they might drowne them in the Sea before they could land; for he had a greater Navie then, then the King of *France*, whence hee conceived greatest

greateſt ſecurity of reſiſting the Enemies thus, *Mat. Weſtm. Paris Hiſtory of England, Anno* 12,13.*pag.*224. 225. whoſe words we have related at large,to cleere and take off the edge of this Prime preſident, in anſwering which, ſince all things will be cleered from theſe Writs, to preſſe and provide ſhips; your *Majeſties* Officers would inferre the lawfulneſſe of theſe Writs,for ſhips & ſhip-money now.

But under correction, we humbly conceive, that this preſident makes much againſt, and nothing at all for theſe Writs,and taxes which now iſſue forth: for

Firſt, it was before *Magna Charta*, the taxes and Tallages,the Petition of Right, or any Subſidie, Tonnage or poundage to guard the Sea,the ſtatutes are againſt them.

Secondly, it was onely directly in *Port-townes*, that had ſhips, not to Countries and places that had no ſhips,as the Writs are now.

Thirdly,it was to the Maſters,and Owners of ſhips, not to any other perſons, who being exempted from all Land-ſervice, were to ſerve the King and Kingdome at this pinch and extreamity

at Sea, but these Writs reach to all, aswell those that have no ships as others.

Fourthly, it was onely to furnish out their owne ships, not to contribute money to hire the Kings ships or others, or to build new of other, or greater Burthens then these that had bin. These Writs now are contrary to this in all these respects, at least in the intention and execution.

Fifthly, here was no leavying of money to be paid to King *John*, his Executors, or Officers hands to provide, or hire ships as now, but every man was left to furnish his owne ships at his best rates, with his owne provision and *Marriners*, this quite otherwise.

Sixthly, though the *Marriners* and *Owners* of the ships were by this Writ to furnish ships at their owne proper costs, yet when they were thus furnished, the King was to pay them both wages, hire, and freight, as his successors ever had done, since when they pressed any of your subjects ships, or *Carts for Warre*, or *Carriage*, these were the words, *Iterum in servitium nostrum ad liberationes nostras*, *which imploy a Constancie as in all like Cases*, yea of your Majesty who now pay wages, and freight for all the *Mariners and Marchants*

chants ships, your presse resolves as much, therefore this makes nothing at all, for this enforceing the subjects to set out ships to guard the Seas, to serve your *Majesty* at your owne proper costs and charges, but point blanke against it.

Seventhly, this president makes it evident that those who are bound by their *Teanres, Lands and Lawes of the Kingdome to serve the King*, and defend the Kingdome by Land, *as all the horses, foote, Traind Bands, and Companies throughout England, neither have bin ought to be charged with any Sea-services, for heere all the Land men are charged to serve the King, and defend the Kingdome by Land, and these Sea-men onely by Sea, neither of them enforced to serve or contribute to any service or defence both by Sea and Land, for that had bin double and unreasonable charge, therefore now who are charged with Land-service by these very presidents related, ought not to be taxed towards the setting out of ships, but Sea-men onely are to guard the seas with such ships as they have, and no other, upon your Majesties pay, therefore these writs which charge Land-men to contribute to the setting out of ships, are directly against these Presidents, and the Lawes, and practice of these Lawes.*

Eightly, These Land men that were not bound by their *Tenures*, and Lands to fine, and yet were able to beare Armes, were

to receive the Kings pay, and not to serve *gratis* even in this necessary defence of the Kingdome, as these words *ad capiendum solidos nostros*, resolve, therefore certainly *Mariners* in those ships received the Kings pay too, and the owners freight as now they doe from your *Majesty*, and so the King, not the Subjects bare the charge of the shipping then, and if so in that time, and age before Tonnage and poundage, then your *Majesty* ought much more now to doe it, since Tonnage and poundage is taken for that purpose.

Ninthly, this Writ was in an extraordinary cause upon an extraordinary Exigent, and occasion. The King was heere deprived of his Crowne and Kingdome, most unjustly by the Pope, and the instigation of these treacherous *Prelates*, and both of them given to King *Philip of France*, a strong Army both by Sea and Land, was ready to invade this Land, yea, to take possession of his Crowne, and Kingdome, this extraordinary suddaine Exigent put the Kingdome to these two extremities of those Writs, there being therefore (blessed be GOD) no such extraordinary occasion as then, this President being extraordinary, is nothing pertinent to the Writs now in question,

nor

nor any proofe at all of the lawfulneſſe of this Taxe.

Tenthly, it was in a time of open, and eminent *Warre*, and danger, onely upon invaſion ready to be made upon the Realme by a forraine Prince, and Enemy both by Sea, and Land, therefore no proofe of the lawfulneſſe of the preſent Writs and Taxes in time of peace. For inſtance,

Firſt, Marſhall Law may be executed and exerciſed by your *Majeſties* Commiſſion and Prerogative in time of *Warre*, but not in peace, as was lately reſolved by your *Majeſty* and the whole *Parliament* in the Petition of *Right*.

Secondly, the Kings of *England*, in times of open *Warre*, might compell trained ſouldiers and others out of their owne Counties to the Sea coaſt, or other parts, for the neceſſary defence of the Realme, but this they cannot doe in time of Peace. 1. *E.* 3. 4. 5. *Parliament. M. Ca.* 3.

Thirdly, the Kings of *England*, in time of forraine *Warres*, might by their Prerogative

Royall, seize the Land of all *Priors*, *Aliens*, when they were extant in *England*, but that they could not doe in times of Peace, 27. *Ass.* 48. 38. *Ass.* 20. *pag.* 27. *Ass. lib.* 3. 2. *Cap.* 8. *Ed.* 3. 38. 27. *E.* 3. 16. 40. *E.* 3. 10. 14. *H.* 4. 36. 22. *E.* 3. 43. 21. *H.* 4. 11. 12.

Fourthly, that the Kings of *England*, when they had defensive *Warres* with *Scotland*, they might lawfully demand, receive, and take Escuage of their subjects, and so did other Lords of their *Tenants*, but in times of peace, they neither did, nor could doe otherwise. *Lit. Sect.* 199. 95. 98. 100. 101. 102.

Fifthly, the *Dangelt* there granted at first, by common consent of the people in PARLIAMENT, was due onely in the time of *Warre*, and not of peace; as appeares by the Premisses.

Sixthly, subsidies and aides in former times were not demanded by KINGS, nor granted in *Parliament* by the subjects, but in time of *Warre*,

or

or to defray the debts of the Prince, contracted the Warres, 14 E. 3. Ca. 21. 15. E. 3. Ca. 12. 25. E. 3. stat. 3. Ca. 1. 25. E. 3. stat. 7. 11. H. 4. Ca. 10. 32. H. 8. cap. 23. 37. H. 8. 1. 14. and other fore-recited Acts.

Seventhly, the Goods of their Enemies may be lawfully seized by the King, and his subjects, in time of open Warre, not in dayes of Peace. 2. R. 3. 2. 7. E. 4. 13. 44. Bro. forfeit 5. 22. Ed. 4. 45. 22. Ed. 3. 16, 17. 36. H. 8. Bro. property, 38. Ployd. 384.

Eightly, by the custome of Kent, and the common Law, not onely the KINGS of ENGLAND, but their Subjects too, may justifie their entry into another mans ground, and the making of Bulwarks and entrenchments therein of defence, or offence of the Enemy in time of Warre, which they cannot doe in time of Peace. 8. Ed. 4. 73. Bro. Custome 45. and tresp. 406.

Ninthly,

Ninthly, in times of *Warre*, men may justifie the pulling downe of Houses, and Suburbs adjoyning to a Fort, or City, for their better defence and safety, but they cannot doe it in time of Peace. 14. *H.* 8. 16. *Bro. trespasse.* 406.c

Tenthly, Your Majesties Royall Progenitors, might appoint Marchants and others, in time of *Warres* for your Armies, and Forts, without Commission, not onely in time of peace. 14. *E.* 3. 2. 19.

And so might Lords and Knights give Liveries in time of *Warre*, but not in peace. 17. *H.* 4. *Ca.* 14. 8. *H.* 6. *Ca.* 4. 1. *H.* 4. *Ca.* 7. by these tenne Cases then to omit others,

It is apparent, that there is a vast and infinite difference in one, and the selfe-same Act in time of *Warre, and of peace*, that the same Act may be lawfull in time of Hostility; yet utterly unlawfull in the dayes of peace, this President is no Argument of the lawfulnesse of this Taxe, nor any others of like nature that can be objected,

being

being onely in time of Warre to prove the taxe of Ship-money, nor yet for pressing Ship-vales for carriage, and other speciall service upon hire, and your Majesties owne wages, not at the Subjects costs, as Carts, horses, Loyters are now often pressed in these times of Peace, but a direct Argument against them, as the tenne fore-cited Cases doe evidence. For any other pretended president that may be alledged to prove the lawfulnesse of this Taxe wee intend for brevities sake here not to trouble your Majestie with any particular Answer unto them, they being all answered fully in these fore-objected, the prime and most pertinent that are extant, yet now, as wee have cleered them point blanke against those Writs and Taxes for *Ship-money*.

These, our most gracious Soveraigne, are the Grounds, Reasons and Authorities on the one hand, and Replies on the other: whereupon wee humbly conceive these Writs and Taxes of Ship-money wherewith wee have lately beene, and yet are grievously burthened, to be directly contrary to the Lawes and Statutes of this your Realme, and the antient Just hereditary Rights and Liberties of your poore Subjects, and an intollerable Grievance and oppression to us all, which wee here in all humblenesse submit to your Highnesse most just,

and mature consideration, not doubting but your Majestie, however formerly by some of Your great Officers mis-informed of the legalitie of it, will now upon the serious view of this our humble, and dutifull Remonstrance which wee in all Humility, together with our selves prostrate at Your Royall feete, will alter Your royall Judgement of this Taxe, and conclude it to be against the Lawes, and our Rights and Liberties, wee almost assure our selves, that your Majesties most Honourable privie Counsell, with the Reverend sage Judges of the Common Law, if seriously charged on their Allegiance to your Majesties Highnesse without feare, or flattery what they conceive of the lawfulnesse of those Writs, and Taxes, will upon the Consideration of these our Reasons and Answers to these chiefest presidents, at leastwise upon the full hearing of the Arguments of our Counsell learned in the Lawes, ready to debate it more amply, if this short Remonstrance be not satisfactory, with our Councell may be fairely and indifferently heard in all your Majesties Courts of Justice where this Point shall be drawne in question by us if occasion require, truly informing Your Majestie, that they concurre in Judgement with us in these, that these Writs and Taxes are against the Lawes and Statutes of this your Realme,

the

the ancient Rights and Liberties of us Your Subjects, which wee know and are assured Your most Gracious Majesty will inviolably preserve considering your promised Oath, and Regall protestation, notwithstanding the misinformation and false suggestion of any of Your great Officers, and Servants to the contrary; the rather, because it was Your late royall Fathers Speech of blessed memory to all the Nobles, Commons, and people in the Parliament house, *Anno* 1609. twice Printed for an eternall monument of his Goodnesse, and reall Justice by his speciall Command, both by it selfe, and in the large Volumes of his peereless Workes: *That a King Governing in a setled Kingdome, leaves to be a King, and degenerates into a Tyrant so soone as hee leaves to Rule by his Lawes; Therefore, all Kings that are not Tyrants or perjured, will be glad to bound themselves within the limits of the Lawes, and they that perswade them to the contrary, are* (*) *Projectors, Vipers, and Pests, both against them, and the Commonwealth.*

(*) *Note well these fitting Epithetes.*

Upon the tender Considerations of these premisses, we most humbly beseech Your most Excellent Majestie, out of your Princely goodnesse

and Justice since by the great God of *Israel* commanded, hee that rules over men must, and ought to bee just, ruling in the feare of God, and wee all know and beleeve your Majesty to bee such a Ruler set upon Gods owne Throne over us your people, for that purpose, to doe Justice and Judgement to all your loyall Subjects, in all Cases whatsoever, especially such as are most publique, and of greatest Consequence to your peoples woe or weale, to exonerate Us your true hearted, dutifull Subjects from these your Royall writs, and heavie Taxations, which wee neither can, nor dare any longer contribute to, for the premised Reasons. And wee, as our Common duty ever obligeth Us, shall persevere to pray for your Majestie long to continue a most just, and gracious Prince over us to our joynt and severall comforts, and to Your owne eternall Honour, in the surviving monuments and Annals of your Fame.

A List of Ships with their Charge.

Ships.		Tunnes.	Men.	Money.
Arkshire	1	400	160	4000
Bedfordshire	1	400	120	3000
Bristoll	1	200	80	2000
Buckingamshire	1	450	180	4500
Cambridgeshire	1	350	140	3500
Cheshire	1	350	140	3500
Cornwall	1	650	260	6500
Cumb. and Westm.	1	100	40	1000
Darbyshire	1	350	40	3500
Devonshire	1	900	360	9000
Durham	1	200	80	2000
Dorsetshire	1	550	220	5000
Essex	1	800	320	8000
Gloucestershire	1	550	220	5500
Hampshire	1	600	260	6000
Huntingtonshire	1	200	80	2000
Herefordshire	1	400	160	4000
Kent	1	800	320	8000
Lancashire	1	350	140	3500
Lestershire	1	450	180	4500
Lincolnshire	1	800	320	8000

	Ships.	Tunnes.	Men.	Money.
London	2 each	800	320	16000
Middlesex	1	550	220	5500
Munmoth	1	150	60	1500
Norfolke	1	800	320	8000
Northumberland	1	500	200	5000
Northampton	1	600	240	6000
North Wales	1	400	160	4000
Nottingham	1	350	140	3500
Oxford	1	350	140	3500
Rutland	1	100	40	1000
Salop	1	450	180	4500
South wales	1	490	200	4900
Stafford	1	200	80	2000
Suffolke	1	800	320	8000
Somerset	1	800	320	8000
Surrey	1	400	160	4000
Sussex	1	500	200	5000
Warwicke	1	400	160	4000
Wiltshire	1	700	129	7000
Worcestershire	1	400	161	4000
Yorkshire	2	600	240	12000
	Ships.	**Tunnes.**	**Men.**	**Money.**
Summe,	45.	20450.	98030.	228500.

FINIS.

A SEASONABLE

VINDICATION

OF THE

Supream Authority and *Jurisdiction*

OF

CHRISTIAN KINGS, LORDS, PARLIAMENTS,

As well over the *Possessions*, as *Persons* of *Delinquent Prelates* and *Churchmen*;

OR,

An Antient *Disputation* of the famous *Bohemian* Martyr *John Hus*, in justification of *John Wickliffs* 17. Article; Proving by 43. Arguments taken out of *Fathers*, *Canonists*, *School-men*, the *Supream Authority* and *Jurisdiction* of *Princes*, *Parliaments*, *temporal Lords*, and other *Lay-men*, (who have endowed the Church with *Temporalties*) to *take away and alien the Temporal Lands and Possessions of Delinquent Bishops*, *Abbots and Church-men*, *by way of medicine or punishment*, *without any Sacrilege*, *Impiety or Injustice*.

Transcribed out of the printed Works of *John Hus*, and Mr. *John Fox* his Acts and Monuments printed *London* 1641. Vol. 1. p. 585, &c.

With an Additional Appendix thereunto of Proofs, and *Domestick* Presidents in all ages, usefull for present and future times.

By *William Prynne* Esq; a Bencher of *Lincolns Inne*.

Acts 1. 20. *Let his habitation be desolate and no man dwell therein*; *and his Bishoprick let another take*.

Bernard. *De Consideratione ad* Eugenium. *l.* 3. *Parvi dejectique animi est de* Subditis *non profectum quærere* Subditorum, *sed quæstum proprium*, *in* summo præsertim Pontifice nihil turpius.

London, Printed by *T. Childe*, and *L. Parry*, and are to be sold by *Edward Thomas* at the *Adam* and *Eve* in Little Britain, 1660.

To the most *Illustrious*

MONARCH

Charles the II.

BY THE

Singular Grace, and *Wonder-working Providence* of Almighty God, of *England*, *Scotland*, *France* and *Ireland* KING, Defender of the true *Christian Faith*; and *Supreme* Governor over all *Ecclesiastical Persons*, as well as *Temporal*, throughout his Dominions.

Most Gracious Soveraign,

I *Humbly crave license to prostrate at your* Royal feet, *a learned* Disputation *of the famous* Bohemian *Martyr* John Hus, *in defence of our renowned* John Wickliffs 17. *Article; largely evidencing the* Supream Authority *of* Christian *Kings*, *and* Temporal Lords, *over the* Temporalties, *and* Persons *of* Delinquent Prelates *and* Churchmen, *backed*

with

with an Additional Appendix, (*hastily compiled in the midst of my other distracting* publike *Imployments in few hours space,*) *not unseasonable, or unworthy* publike Consideration, *in relation to ancient and late* alienations *of* Abbots, Bishops. Cathedral lands, *now under your* Majesties *and your* Parliaments *Deliberation, in order to their* Purchasers *satisfaction, for the prevention of future* Animosities, suits, *& establishment of* Cordial Unity, Amity *between all* Your Subjects, *after their many years sad* Intestine bloudy Schisms *and* Discords.

The sole Occasion *of this* Publication, *was the many late* Petitions *of* Purchasers, *and others complaining of some* * Bishops, & Churchmens covetousness, *or* averseness *to give them such* competent satisfaction *for their* Purchases, *by new Leases or otherwise, as Your Majesties* Royal Declarations, *the* Commons-House Votes, *and* Your Noble Generals Engagements, (*in order to* Your Highnesse *most* joyfull, *peaceable* Restitution *to* Your Throne) *induced them to expect; and of their violent, or* vexatious procee-

* Quem dabis mihi de numero Episcoporũ, qui non plus invigilet subditorum evacuandis marsupiis, quam vitiis exturpandis? Ubi est qui orando flectat iram? Ubi est qui prædicet annum acceptibilem Domino? Pauci admodum sunt, qui non quæ sua sunt quærunt. Diligunt munera; nec possint pariter deligere Christum, qui a manus dederunt mammonæ. *Bernard. Sermo 77. super Cantica.*

dings,

dings, *contrary to* Your Gracious Proclamation, *and* Commission. *The principal design of it is, to Vindicate* Your Majesties *ancient* Soveraign Jurisdiction, *with the Legal power of your* Parliaments *&* temporal Lords, *over the* Possessions *and* Persons *of the greatest* Prelates, *in cases of* **Delinquency, War, or Publike Necessity**; *and the* Lawfulness *of seising, alienating their* Temporalties, imprisoning, banishing, executing *their* persons *for* Criminal Offences, *and Contempts* (*of which they have been frequently guilty*) *without any* **Sacrilege** *or* **Impiety**. *The contemplation whereof* (*I presume*) *will henceforth* perpetually bind them to their good behaviours, *both towards Your* Majesty, *your* Parliaments, *and* People; *and engage them to a charitable, sober, religious use of all their* Temporal endowments, *to a most* heavenly, humble, world-contemning Conversation, *a diligent faithfull discharge of their* Episcopal function, *by* [a] daily constant preaching, fasting, praying, *and* administration *of the* Sacraments *to the Souls committed to their pastoral charge; and to an æmulous imitation of our pious, primitive* Archbishops *and* Bishops, Wilfrid,

‖ See *Grotius* de Jure Belli l. 3. c. 10.

a Acts 5. 42. c. 20, 21, 28, 1 Cor. 9. 14, to 24. 2 Tim. 4. 1, 2. Rom. 15. 18, 19, 20. Mar. 16. 16.

Wilfrid, Aydan, Ceadda *and others*, *of whom* [a] Venerable Beda, *and* [b] Gervasius Doroberensis *render us this account*: **Non Equitando, sed pedibus ambulando, verbum Dei instantissime prædicabant.** Tota tunc fuit sollicitudo Doctoribus illis **Deo servire, non seculo; tota cura cordis excolendi non ventris.** Nulla causa fuit sacerdotibus Dei vicos adeundi, **nisi ut prædicarent, vel baptizarent, vel animas curarent.** Cuncta quæ sibi à Regibus vel divitibus seculi donabantur, mox pauperibus qui occurrerent erogare gaudebant. In tantum erant ab omni peste **Avaritiæ** castigati ut **nemo territoria vel possessiones ad construenda Monasteria à potestatibus seculi, nisi coactus acceperet.** *All their Oblations and revenues were* [c] equally divided into 4. parts. *The* 1. *for* the sustentation of the Bishop and his family, *not in* a pompous Lordly splendor, but sober and Christian hospitality; *The* 2. *for* the maintenance of his Clergy or Chapter; *The* 3. for the relief of the Poor; *The* 4. for the repair of Churches: and if any surplusage

[a] Eccles. Hist. Gentis Anglorum, l. 3. c. 4. 28. l. 4. c. 3.

[b] Actus Pontificum Cant. col. 1636, 1637.

[c] Beda Eccles. Hist. l. 1. c. 27. Spelman. Concil. p. 96. Surius Concil. Tom. 1. p. 359.

plusage remained, it was bestowed in alms and other pious uses; *not spent in Luxury or worldly pomp. No part of it was treasured up in the Bishops own purse to enrich himself, or Leased to, or bestowed on his wife, children, kinred, servants, or Courtiers as in later ages, (as real* [d] Sacrilege *as any now declaimed against.) Their Angelical and Evangelical Conversations, purchased them such veneration and high esteem among all sorts of people,* [e] Ut ubicunque Clericus aliquis adveniret gaudenter ab omnibus, tanquam Dei famulus exciperetur. Etiam si in itinere pergens inveniretur, occurrebant, & flexa cervice vel manu signari, vel ore illius se benedici gaudebant; verbis quoque horum exhortatoriis diligenter auditum præbebant. Et si quis Sacerdotum in vicum fortè deveniret, mox congregati in unum vicani, **Verbum vitæ ab illo expetere, et operibus implere curabant.** *Such an Episcopal life as these then led in our* Bishops *and* Clergy *now (without future contests,* [f] which of them shall be the Greatest, Richest, Highest, *but best, holyest, humblest) would speedily reconcile both them, their Purchasors and Opponents, yea produce such*

d Spalato de Repub. Eccl. l. 9 c. 7. 2. 36. Bernard super Cantica Sermo 77. & Goncio ad clerum in concilio Rhemensi.

e Gervasius Dorob. actus Pontif. Cant. col. 1636. 1637. & Bedæ.

f Lu. 22, 24. 25, 26. *Vidos omnem ecclesiasticum zelum fervere sola pro dignitate tuenda? Honori totum datur, sanctitati nihil aut parum,* Bern. de consid. ad Eugenium. l. 4. c. 2.

such a reverend estimation and entertainment of their Persons and Ministry in the Laity, *as Your Majesty by your most pious* Declarations, Proclamations, Speeches, *and* unwearied Endeavours *have* exhorted, *and* conjured *them unto; that so all your Subjects* [a] may *henceforth* live a quiet and peaceable life in all godlinesse and honesty, *under* Your most just and gracious Government; *Which as it ought to be their* daily prayer, *so it is their* bounden duty, *and will be the only means of their* future felicity.

g 1 Tim. 2. 1, 2, 3.

Let those [h] everlasting Arms *of the* Eternal God, riding upon the heavens for Your help, *which have so miraculously* protected, supported, restored *Your* Royal Majesty *to Your* Kingdoms, and thrust out the Enemy from before You, *without sword or spear, for ever* embrace, defend, preserve *Your* Sacred Person *in perfect health and safety, to reign over them in all* Prosperity, Tranquillity, Felicity *and* Glory, *till extreme old age (and no other casualty) shall translate* You *from a* temporal *to an* eternal Crown *in the* Highest Heavens; *Which hath been, is, and alwayes shall be the daily Prayer of*

h Deut. 33. 26, 27.

From my Study in Lincolns Inne, Novem. 24. 1660.

Your Majesties dutifull and Loyal Subject, *WILLIAM PRYNNE.*

An *Antient Plea* in Justification of the late taking away, and *Sales* of *Cathedral-lands, &c.*

IN the year of our Lord 1378. [a] *John Wickliffe* in the Universty of *Oxford* in his Sermons and Writings publikely asserted,

That the Lords temporal, may lawfully and meritoriously take away their Temporalties from the Churchmen offending habitually.

That if any temporal Lord do know the Church so offending, he is bound under pain of damnation to take the Temporalties from the same.

That it is lawfull for Kings, in causes licensed by the Law, to take away the Temporalties from the Spiritualty sinning habitualiter, *that is, which continue in the customs of sin, and will not amend.*

That whether they be temporal Lords, or any other men whatsoever they be, which have endowed the Church with Temporalties, it is lawfull for them to take away the same Temporalties, as it were by way of medicine, to avoid sin, notwithstanding any Excommunication or other Ecclesiastical Censure; for so much as they are not given but under a condition.

The Bishops of *England*, conceiving their *Great Lordly Manors*, and *Temporalties* to be much endangered by these Positions of *Wickliff*, drew up these and other Positions of his

[a] *John Fox* Acts & Monuments, *London* 1641. Vol. 1. p. 563, 564, 565, 566, 587.

his into *Articles* of complaint against him, and sent them diligently to *Pope Gregory* the XI. at *Rome*, with other *Articles* of a diffrent nature to the Number of 18. where they were *condemned for heretical and erroneous* by 23. *Cardinals*. Hereupon *Pope Gregory* sent his *Bulls* to the *Chancellor* & Universitie of *Oxford*, King *Richard* the 2d. and the *Archbp. of Cant.* to apprehend, imprison and persecute *Wickliff*; who was thereupon summoned to appear before a certain *Convocation* of Bishops at the Archbishops Palace in *Lambeth*; where he justified these Positions by reason, Scripture, *Canon* and *Civil Law*. After *Wickliffs* death, 45 Articles being exhibited against him in the *Council of Constance*, and these 3. amongst the rest.

That to enrich the Clergy was against the rule of Christ.

That the Pope with all his Clergy having those possessions as they have, be h.reticks in so having; and the secular powers in so suffring them do not well.

That the Emperor and secular Lords be seduced which so enrich the Church with ample possessions.

Thereupon *John Hus* a most learned pious *Bohemian* Divine, particularly justified these Positions of his amongst others, against the censure of the Pope and *Council of Constance*, before the whole Universitie of *Prague* in *Charls* Colledge, in a particular Treatise, *De ablatione bonorum temporalium a Clericis delinquentibus*, printed at large in his *Works* in Latine, *Noremb.* 1558. pt. 1, &c. For the most part translated into English by Mr. *John Fox*, in his *Acts* and *Monuments* London 1641. Vol. 1. p. 595. Which Book all *Archbishops*, *Bishops*, *Deans*, *Archdeacons*, *and Canons Residentiaries*, were bound to have in their Cathedrals, Halls and Great Chambers, that it might be publikely read by their Servants and Strangers, by the *Canons* made in the Provincial Synod of *London*, Anno 1571. p. 5, 6, 7. whereby this Doctrine of *Wickliff* and *Hus* is not only tolerated, but justified by them, as orthodox, and no wayes *sacrilegious* or heterodox, as some now repute it.

* The

* *The second Disputation in the University of* Prague, *upon the seventeenth Article of* John Wickliffe, *most fruitfull to be read; proving by* 25 *Reasons out of the Scriptures,* **How that Princes and Lords Temporal** *have lawfull Authority and Jurisdiction* **over the Spirituality & Churchmen, both in taking from them their Temporalties, and correcting their Doings and Deserts.**

* *Fox Acts & Monuments, Vol. I. p. 595, &c.*

TO the honour of almighty God, and of our Lord Jesus Christ, both for the trying out of truth, and the profit of holy mother the Church, according to the congregation of our University of *Prage*, which, avoiding alwaies to do that which shall be prejudicial to the truth, hath deferred to give their consent unto the condemnation of the forty five Articles, wishing even unto this present sufficient probation to be given of the condemnation of the said Articles, and particularly of every one of them. Whereupon the said University doth alwaies require due proof of the same, forsomuch as Pope *Damasus* in his canon distinction sixtie eight chapter, Chorepiscopi, saith thus; That it is necessarie that whatsoever thing standeth not by due reason should be rooted out. Whereby it appeareth, that the condemnation of the five and forty Articles, if it stand not with proof and sufficient demonstration for every Article, is necessary to be rooted out.

But if any man will object and say, that to require a reason of every thing, is to derogate from Gods divine power. Unto this answer Master *William* doth answer himself in his Philosophy, the first book, almost at the end; where he intreating of the place, in the second Chapter of *Genesis, God made man of the slime of the earth, &c.* hath these words; For in what point (say we) are we contrary to the holy Scriptures, if we seek by reason to declare wherefore any thing is done, which is said in the Scriptures to be done? For if that a wise man should say that a thing is done, and do not declare how it is done, and another man speaketh the very self-same thing, and declareth

reth how it is done, what contrariety is there? But for so much as they themselves know not the force of nature, to the intent that they might have all men partakers with them of their ignorance, they would have no man to inquire it out. But they would have us beleeve as ignorant people, neither to seek any reason of our beleef, that the prophecie might be fulfilled; *Such as the people is, such shall be the priest.* But we truly do say, that in all things a reason is to be sought, if it may by any means be found. But if that any man do stay at any thing which the Scriptures doth affirm, let him commit the same unto Faith, and unto the Holy Ghost. For *Moses* saith, *If the lamb cannot be eaten, let it not be by and by consumed in the fire; but let him first call his neighbour which dwelleth next house unto him; and if they also be not sufficient to eat the lamb, then let it be burned in the fire.* So likewise, when as we goe about to seek any thing as touching the Godhead, and that we be not able of our selves to comprehend the same, let us call our neighbour which dwelleth next house unto us; that is to say, let us seek out such a one as dwelleth in the same Catholick faith with us; and if then neither we, neither yet he be able to comprehend the same, let it then be burned with the fire of faith.

An allegory upon the Paschal lamb.

But these men, albeit they have many neighbours dwelling near unto them, yet for very pride they will not call any man unto them, chusing rather to continue still ignorant, then to ask any question. And if they do know any man to enquire for his neighbour in such case, by and by they cry out upon him as an heretick; presuming more upon their own heads, than having confidence in their wisdom. But I exhort you to give no credit unto their outward appearance, for already it is verefied in them, which the Satyrical Poet saith; No credit is to be given unto the outward shew: for which of them all is it that doth not abound with most shamefull and detestable vices? And in another place he saith; They are very dainty of their speech, and have great desire to keep silence. And thus much hath Mr. *Wilhelmus*. Let all such

hear

hear whom this parable doth touch: for I with the rest of the Masters, Bachelors and Students of our Universitie, considering how hard a matter the condemnation of the forty five Articles of *Wickliff*, without reason, is, and how grievous a thing it were if we should thereunto consent, doe call together my neighbours, the Doctors of this Universitie, and all others which would object any thing against the same, that we might presently finde out the reason of the condemnation of this article, concerning the taking away the temporalties from the Clergie.

A Protestation, whereby he giveth light unto the Reader how the proposition aforesaid is to be understood, and addeth, that the goods of the clergy are not utterly to be taken away, but in case they doe abuse the same.

Notwithstanding I doe professe that it is not my intent, like as it is not the meaning of the Universitie to perswade, that Princes or secular Lords should take away the goods from the clergie when they would, or how they would, and convert them to what use they list. But our whole intent is, diligently to search out whether this Article, as touching the taking away of temporalties from the Clergie, may have in it any true sense, whereby it may be defended without reproof. Wherefore this Article, being the seventeenth in the number of the forty five is, propounded under this form: The Lords temporal may at their own will and pleasure, take away the temporal goods from the Clergie, if they doe offend, and therein continue. It is thus proved: The Kings of the Old Testament took away the temporal goods at Gods commandement from the Clergie; that is to say, from the Priests offending. Therefore the Kings of the New Testament, at Gods commandment, may do the like, when as the Priests of the new law do offend. The consequence dependeth upon a similitude. And the antecedent is evident. First, it is proved by *Solomon* in the 3. of the *Kings*, 2. chapter, which *Solomon* deposed *Abiathar* the high Priest, because he had taken part with *Adonias* the brother of *Solomon* to make him King, without the advice either of *David*, or of *Solomon* himself, which ought to reign, and set up *Sadoc* the Priest in the place of *Abiathar*, because he had not consented with *Abiathar* unto *Adonias*, as it is written in the 3. book of *Kings*, 1, chapter, where it is said, *Adonias*, the son

son of *Agithe*, exalted himself, and said, I will reign: and made unto himself chariots and horsemen, and forty men which should run before him: neither did his father rebuke him at any time, saying, Wherefore hast thou done this? For he was very comely, being second son, next to *Absolon*, and his talk was with *Joab* the son of *Sarvia*, and *Abiathar* the Priest, which took part with *Adonias*. But *Sadoc* the Priest, and *Benaias* the son of *Joiada*, and *Nathan* the Prophet, and *Semei*, and *Serethi*, and *Felethi*, and all the power of *Davids* host, were not on *Adonias* part.

This was the cause of the deposing of *Abiathar*, because he took part with *Adonias*, that he should be King against *Solomon* the eldest Son of King *David*: wherefore it is written in the third book, and second chapter of the Kings; The King said unto *Abiathar* the Priest, *Goe your wayes unto* Anathoth *thine own field, for thou art a man of death; but this day I will not slay thee, because thou hast carried the Ark of the Lord before my father* David, *and didst labour in all things wherein my father laboured. Then did* Solomon *cast out* Abiathar, *that he should be no more the Priest of the Lord; that the word of the Lord might be fulfilled, which he spake upon the house of Heli in Silo.*

Behold, the most prudent King *Solomon*, according to the wisdom which was given him of God, did exercise his power upon the said Priest, putting him out of his priesthood, and setting in his place *Sadoc* the Priest. This was a greater matter than to take away the temporalties. If then in the Law of Christ, which now raigneth over us, a Bishop should likewise rebell against the true heir of the kingdom, willing to set up another for King; why should not the King or his heir have power, in like case, to take away the temporalties from him so offending?

2. *Nabuchodonozor,* Item, it is also evident by the King *Nabuchodonozor*, which had power given him of God to lead away the children of *Israel*, with their Priests and Levites, into the captivity of *Babylon*, as it is written 4 book of the *Kings*, 25 chapter.

3 Item, it is read in the 4. book of Kings, and 12. chapt. how

how that *Joas* the moſt godly King of *Juda*, according to the wiſdom which God had granted him, took away all the conſecrate veſſels which *Joſaphat*, *Joram*, and *Ochoſias*, his fore-fathers Kings of *Juda* had conſecrated, and thoſe which he himſelf had offered, and all the treaſure that could be found in the temple of the Lord, and in the Kings Palace, and ſent it unto *Azahel* King of *Syria*, and he departed from *Jeruſalem*. Mark how this moſt holy King exerciſed his power, not only in taking away the temporalities of the Prieſts, but alſo thoſe things which were conſecrate in the Temple of the Lord, to procure unto the Commonwealth, the benefit of peace. *Joas.*

Item, in the 4. book, and 18. chapter of the *Kings*, it is written, how that the holy King *Ezechias* took all the treaſure that was found in the houſe of the Lord, and in the Kings treaſury, and brake down the Pillars of the Temple of the Lord, and all the plates of gold which he himſelf had faſtned thereupon, and gave them unto the King of the *Aſſyrians*; yet was he not rebuked of the Lord therefore, as he was for his other ſins, as it appeareth in the 2d. book of Kings 18. chapter. Forſomuch then as in time of neceſſity, all things ought to be in common unto Chriſtians, it followeth, that the ſecular Lords in caſe of neceſſity, and in many other common caſes, may lawfully take away the moveable goods from the Clergy, when they do offend. 4. *Ezechias.*

Item, it is alſo read in the 12. of St. *Matthew*, that the Diſciples of Jeſus, to ſlak their hunger, upon the Sabbath day pulled the ears of corn, and did eat them, and the Phariſees rebuked them therefore; unto whom Chriſt anſwered, *Have ye not read what David did when he was hungry, and thoſe that were with him: how he entred into the houſe of the Lord, and did eat the ſhew bread, which it was not lawfull for him, neither for them that were with him to eat, but only for the Prieſts?* This ſtory is written in the firſt Book of the *Kings*, and 21. chapter. And the commandement in the 12. chapter of *Deuteronomy*. Whereby it appeareth, that it is lawfull in 5. *David.* *Caſe of neceſſity.*

in time of necessity to use any thing, be it never so much consecrate. Otherwise children by giving their moveables to the consecration of any Temple, should not be bound to help their parents; which is contrary and against the Gospel of St. *Matthew* in the 16. chapt. whereas our Saviour sharply rebuked the Pharisees, that for their own traditions they did transgresse the commandement of God.

6. *Titus and Vespasian.*

Item, *Titus* and *Vespasian* secular Princes, had power given them of God, twenty four years after the Lords ascension, to take away the Temporalities from the Priests which had offended against the Lords holy one, and thereby also bereft them of their lives: and it seemeth unto many, they did and might worthily do the same according to Gods good will and pleasure. Then forsomuch as our Priests in these daies may transgresse and offend as much, and rather more against the Lords anointed, it followeth, that by the pleasure of God, the secular Lords may likewise punish them for their offence.

7. *The example of Christ paying of tribute.*

Our Saviour being King of kings, and high Bishop, with his Disciples, did give tribute unto *Cæsar*, as it appeareth in the 17. chapt. of St. *Matthews* Gospel, and commanded the Scribes and Pharisees to give the like unto *Cæsar*, St. *Matthew* 22. Whereby he gave example unto all Priests that would come after him to render tribute unto their Kings: whereupon blessed St. *Ambrose* in his 4. book upon these words in the 5. of St. *Luke*, (*Cast out your nets*) writeth thus: There is another kind of fishing amongst the Apostles, after which manner the Lord commanded *Peter* only to fish, saying, Cast out thy hook, and that fish which cometh first up, take him. And then unto the purpose he saith; It is truly a great and spiritual document, whereby all Christian men are taught, that they ought to be subject unto the higher powers, and that no man ought to think that the Laws of a King here on earth are to be broken. For if the Son of God did pay tribute, who art thou so great a man, that thinkest thou oughtest

St. Ambrose his mind.

not

not to pay tribute? He payed tribute which had no possessions; and thou which daily seekest after the lucre of the world, why doest thou not acknowledge the obedience and duty of the world? Why doest thou through the arrogancy of thy mind exalt thy self above the world, when as, through thine own miserable covetousnesse, thou art subject unto the world? Thus writeth St. *Ambrose*, and it is put in the 11. caus. qu. 1. *Magnum quidem*. He also writeth upon these words in *Luke* 20. *Shew me a penny, whose Image hath it?* if Christ had not the Image of *Cæsar*, why did he pay any tribute? He gave it not of his own, but rendred unto the world, that which was the worlds: and if thou wilt not be in danger of *Cæsar*, possesse not those things which are the worlds; for if thou hast riches thou art in danger of *Cæsar*,

Christ commanded tribute to be paid unto the Emperor.

Wherefore if thou wilt owe nothing unto any earthly King, forsake all those things, and follow Christ. If then all Ecclesiastical Ministers, having riches, ought to be under the subjection of Kings, and give unto them tribute; it followeth that Kings may fawfully, by the authority which is given them, take away their temporalities from them.

Hereupon St. *Paul*, acknowledging himself to be under the Jurisdiction of the Emperor, appealed unto *Cæsar*, as it appeareth, *Acts* 25. 8.

I stand, saith he, at *Cæsars* Judgement seat, there I ought to be judged. Whereupon in the 8. Distinction, chapter *Quo jure*. St. *Ambrose* allegeth, that all things are lawfull unto the Emperor, and all things under his power. For the Confirmation whereof it is said, *Daniel* 2. chapter; *The God of heaven hath given unto thee a Kingdom, Strength, Empire, and Glory, and all places wherein the children of men do dwell, and hath given into thy power the beasts of the field, and fowles of the air, and set all things under thy subjection,*

Paul appealed to the Emperor.

St. Ambrose there in the 8. distinct.

Daniel 2.

Also in the 11. question and 1, he saith; *if the Emperor require tribute, we do not deny that the Lands of the Church shall pay tribute; if the Emperor have need of our lands, he hath power* 9.

to challenge them, let him take them, if he will; I do not give them unto the Emperor, neither do I deny them. This writeth St. *Ambrose*, expressly declaring that the secular Lord hath power at his pleasure to take away the Lands of the Church; and so consequently the secular Lords have power at their own pleasures to take away the Temporal goods from the Ecclesiastical Ministers, when they do offend.

10. *St. Augustine.* Item, St. *Augustine* writeth; If thou saiest, what have we to do with the Emperor? But now as I said, we speak of mans Law. The Apostles would be obedient unto Kings, and honour them, saying, Reverence your Kings; and do not say, what have I to do with the King? What hast thou then to do with possessions? By the Kings Law thy possessions are possessed. Thou hast said, what have I to do with the King? but do not say, what have thy possessions to do with the King? For then hast thou renounced the Laws of men, whereby thou diddest possesse thy Lands. Thus writeth St. *Augustine* in his 8. distinction, by whose words it is manifest, that the King hath power over the Church goods, and consequently may take them away from the Clergy, transgressing or offending.

11. *Magistrates, keepers of both Laws.* Item, in his three and thirtieth Epistle unto *Boniface*, he saith, *What sober man will say unto our Kings, Care not you in your Kingdom, by whom the Church of the Lord is maintained, or by whom it is oppressed; it pertaineth not unto you, who will be either a religious man, or who will be a Church robber?* Unto whom it may be thus answered: Doth it not pertain unto us in our Kingdom, who will either live a chast life, or who will be an unchast whoremonger? Behold, this holy man sheweth here how that it is the duty of Kings to punish such as are robbers of Churches, and consequently the proud Clergy when as they do offend.

The duty of Kings to punish the Clergy.

12. Item, he writeth in the 33. cau. quest. 7. *Si de Rebus*; The secular Lords may lawfully take away the Temporal goods from hereticks; and forsomuch it is a case greatly possible that many of the Clergy are users of Simony, and thereby hereticks, therefore the secular Lords may very lawfully take

take away their temporalities from them. For what unworthy thing is it, saith St. *Augustine*, if the Catholicks do possesse, according unto the will of the Lord, those things which the hereticks held? Forsomuch as this is the word of the Lord unto all wicked men, Mat. 21. *The Kingdom of God shall be taken away from you, and given unto a nation which shall do the righteousnesse thereof*; is it in vain which is written in the 11. chapter of the book of wisdom? *The just shall eat the labours of the wicked.* *Matthew 21.* *Wisedom 11.*

An objection of the desire of other mens goods.

And whereas it may be objected as touching the desire of other mens goods; St. *Augustine* answereth, That by that Evidence the seven Nations, which did abuse the Land of Promise, and were driven out from thence by the power of God, may object the same unto the people of God, which inhabit the same. And the Jews themselves, from whom, according unto the Word of the Lord, the Kingdom is taken away and given unto a people, which shall do the works of righteousnesse, may object the same unto the Church of Christ, as touching the desire of other mens goods; but St. *Augustines* answer is thus:

We, saith he, do not desire another mans goods; forsomuch as they are ours by the commandement of him, by whom all things were made. By like evidence the Clergy having offended, their temporal goods are made the goods of others, for the profit of the Church. To this purpose also, according to St. *Augustine*, serveth the 14. question 4. Unto a mis-believer it is not a half-penny matter, but unto the faithfull is a whole world of riches: shall we not then convince all such to possesse another mans goods, which seemed to have gathered great riches together, and know not how to use them; for that truly is not anothers, which is possessed by right: and that is lawfully possessed, which is justly possessed; and that is justly possessed, which is well possessed. *Ergo*, all that which is evil possessed is another mans, and he doth ill possesse it, which doth evil use it. *St.* Augustine 14. *quest.* 4.

If then any of the Clergy do abuse the temporal goods, the

the temporal Lords may at their own pleasure, according unto the rule of charity, take away the said temporal goods from the Clergy so transgressing. For then, according to the allegation aforesaid, the Clergy doth not justly possesse those temporal goods, but the temporal Lords, proceeding according to the rule of charity, do justly possesse those temporalities, forsomuch as all things are the just mans. 1 *Cor.* 3. chapter, All things, saith the Apostle, are yours; whether it be *Paul*, or *Apollo*, or *Cephas*, either the world, either life or death, or things present, or things to come: for all things be yours, you be Christs, and Christ is Gods. Also in the 23. question 7. *Quicunque*, it is written, *Jure divino omnia sunt justorum.* The words of St. *Augustine* in that place, *ad Vincentium*, be these; *Whosoever*, saith he, *upon the occasion of this Law or Ordinance of the Emperor, doth molest or persecute you, not for love of any charitable correction, but only for hatred and malice to do you displeasure, I hold not with him in so doing.*

1 *Cor.* 3.

By Gods Law. Cuncta justorum esse dicuntur.

And although there is nothing here in this earth, that any man may possesse assuredly, but either he must hold it by Gods law, by which *cuncta justorum esse dicuntur*; that is, all things be said to pertain to the possession of the just: or else by mans law, which standeth in the Kings power to set and to ordain, &c. Here, by the words of St. *Augustine* alleaged, ye see all things belong to the possession of the just, by Gods law.

13. *The Clergy subject unto the Emperor and King by means of their possessions.*

Item, forsomuch as the Clergy by means of their possessions are in danger of the Emperor and King: it followeth, that if they do offend, the Emperor or King may lawfully take away their possessions from them. The consequence dependeth on this point, forsomuch as otherwise they were not in subjection under the Emperor or King: and the antecedent is manifest by the 11. question and first Parag. *His ita respondetur.* Whereas it is specified in Latine thus: *His ita respondetur, Clerici ex officio Episcopo sunt supposîti, ex possessionibus prædiorum Imperatori sunt obnoxii: ab Episcopo unctionem, decimas, & primitias accipiunt; ab Imperatore verò prædiorum possessiones nanciscuntur*: that is to say,

The

The Clergy by meanes of their office are under the Bishop, but by reason of their possessions they be subject unto the Emperor: Of the Bishop they receive unction, tithes, and first fruits; of the Emperor they receive possessions. Thus then it is decreed by the Emperial law, that livelihoods should be possessed: whereby it appeareth, that the Clergy by the possession of their livelihoods are in danger of the Emperor for him to take away from them, or to correct them according to their deservings, and to have the controulment of them, as it shall seem good unto him.

Item, The temporal Lords may take away the temporalities from such as use Simony, because they are hereticks. *Ergo*, this Article is true.

14. *Users of Simony are punished by the Civil Magistrate.*

The antecedent is manifest forsomuch as the secular Lords may refuse such as use Simony, and punish them except they do repent. For by the decree of Pope *Paschasius* in the first and last question it appeareth, that all such as used Simony were to be refused of all faithfull people, as chief and principal hereticks; and if they do not repent after they be warned, they are also to be punished by the externe power. For all other faults and crimes, in comparison of Simoney, be counted but light, and seem small offences.

Paschasius *in* 1 *q. ult. cap.* pater.

Whereupon the glosse, expounding the same text, saith, that by this word externe, is understood the laity, which have power over the Clergy, besides the Church, as in the 17. distinct. *Non licuit, & 23. question 5. principes.* Whereby it is evident, that the temporal Lords may take away the temporal goods from the Clergy when as they do offend.

The Laity correctors of the Clergy.

Item, St. *Gregory* in the Register upon his seventh Book and ninth Chapter, writeth thus unto the *French* Queen: Forsomuch as it is written that righteousnesse helpeth the people, and sin maketh them miserable: then is that Kingdom counted stable, when as the offence which is known, is soon amended.

15. Gregory *writeth to the French Queen.*

Therefore, forsomuch as wicked Priests are the cause of the ruine of the people, (for who shall take upon him,

Wicked Priests the destruction of the people.

or

to be interceſſor for the ſins of the people, if the Prieſt which ought to intreat for the ſame, have committed greater offences) and under your dominions the Prieſt do live wickedly and unchaſtly; therefore that the offence of a few might not turn to the deſtruction of many, we ought earneſtly to ſeek the puniſhment of the ſame. And it followeth, if we do command any perſon, we do ſend him forth, with the conſent of your authority, who together with other Prieſts, ſhall diligently ſeek out, and according unto Gods word correct and amend the ſame. Neither are theſe things to be diſſembled, the which we have ſpoken of, for he that may correct any thing, and doth neglect the ſame, without all doubt he maketh himſelf partaker of the ſin or offence.

Therefore foreſee unto your own ſoul, provide for your nephews, and for ſuch as you do deſire to reign after you, provide for your country, and with diligence provide for the correction and puniſhment of that ſin, before our Creator do ſtretch out his hand to ſtrike.

And in his next Chapter he writeth unto the *French* King: Whatſoever you do underſtand to pertain either unto the honour and glory of our God, to the reverence of the Church, or to the honour of the Prieſts, that do you diligently cauſe to be decreed, and in all points to be obſerved. Wherefore once again we do move you, that you command a Synod to be congregate, and as we wrote lately unto you, to cauſe all the carnal vices, which raign amongſt your Prieſts, and all the wickedneſſe and Simony of your Biſhops (which is moſt hard to be condemned and reproved) utterly to be baniſhed out of your Kingdom; and that you will not ſuffer them to poſſeſſe any more ſubſtance under your dominion, then Gods commandement doth allow.

St. Gregory to the French King

Behold how carefully bleſſed *Gregory* doth exhort the Queen and the King to puniſh the vices of the Clergy, leſt through their negligence they ſhould be partakers of the ſame; and how they ought to correct their Subjects. For as it is convenient to be circumſpect and carefull againſt

againſt the outward enemies; even ſo likewiſe ought they to be againſt the inward enemies of the ſoul. And like as in juſt war againſt the outward enemies it is lawfull to take away their goods, ſo long as they continue in their malice; ſo alſo is it lawfull to take away the goods of the Clergy, being the inward enemy. The conſequence is proved thus; for ſo much as the domeſtical enemies are moſt hurtfull.

Item, it is thus argued; if God be, the temporal Lords may meritoriouſly and lawfully take away the temporal goods from the Clergy, if they do offend. For this point let us ſuppoſe that we ſpeak of power, as the true authentike Scripture doth ſpeak, Mat 3. 9. *God is able even of theſe ſtones to raiſe up Children unto Abraham.* 16.

Whereupon it is thus argued; for if God be, he is omnipotent, and if he ſo be, he may give like power unto the ſecular Lords. And ſo conſequently they may meritoriouſly and lawfully uſe the ſame power. But leſt that any man may object, that a proof made by a ſtrange thing is not ſufficient; it is therefore declared how that the temporal Lords have power to take away their almes beſtowed upon the Church, the Church abuſing the ſame, as it ſhall be proved hereafter. And firſt thus; It is lawfull for Kings, in caſes limited by the Law, to take away the movables from the Clergy when they do offend: it is thus proved; For the temporal Lords are moſt bound unto the works of greateſt mercy moſt eaſie for them: but in caſe poſſible, it ſhould be greater almes, and eaſier temporal dominion, to take away their almes from ſuch as build therewithall unto eternal damnation, through the abuſe thereof, than to give the ſaid almes for any bodily relief, *Ergo*, the aſſumption is true.

Whereupon firſt this ſentence of the Law of Chriſt in the ſecond Epiſtle to the *Theſſalonians* the third Chapter is noted, whereas the Apoſtle writeth thus; *When we were amongſt you, we declared this unto you, that he that would not work ſhould not eat.* Wherefore the law of nature doth licenſe all ſuch as have the governance of Kingdoms, to

correct the abuse of the temporalities, which would be the chief cause of the destruction of their Kingdoms; whether the temporal Lords, or any other, had endowed the Church with those temporalities or not. It is lawfull for them in some case to take away the temporalities, as it were by way of Physick to withstand sin, notwithstanding any excommunication, or other Ecclesiastical censures; forsomuch as they are not endowed, but only with * condition thereunto annexed.

* Beneficium propter officium.

When and how the title of any gift is lost.

Hereby it appeareth, that the condition annexed to the endowing, or enriching of any Church; is, that God should be honored: the which condition if it once fail, the contrary taking place, the title of the gift is lost, and consequently the Lord which gave the almes ought to correct the offence. Excommunication ought not to let the fulfilling of justice. Secondly, according to the Canon Law, 16 question 7. this sentence is noted, where it is thus spoken, as touching the Children, Nephews, and the most honest of the kindred of him which hath builded or endowed the Church: *That it is lawfull for them to be thus circumspect, that if they perceive the Priest do defraud any part of that which is bestowed, they should either gently admonish or warn him, or else complain of him to the Bishop, that he may be corrected. But if the Bishop himself attempt to do the like, let them complain of him to his Metropolitane: and if the Metropolitane do the like, let them not defer the time to report it in the ears of the King.* For so saith the Canon, *Let them not defer to report it in the ears of the King.* To what end I pray you, but that he should do correction: neither is it to be doubted, but that correction doth more appertain unto the King in this point for their goods, whereof he is chief Lord, by a subtraction proportional according to the fault or offence.

17.

It is lawfull for the civil rulers to correct the Clergy.

Item, is thus proved; It is lawfull for the secular Lords by their power to do correction upon the Clergy by some kind of fearfull discipline appertaining to their secular power: *Ergo*, by like reason it is lawfull for them by their power to do such correction, by all kind of fearfull discipline

pline pertaining unto their ſecular power. For ſo much then as the taking of their temporalities is a kind of fearfull diſcipline pertaining unto the ſecular power; it followeth, that it is lawfull for them thereby to do ſuch correction. And conſequently it followeth that the truth is thus to be proved. The conſequence is evident; and the antecedent is proved by *Iſidore* 23. *queſt.* 5. *Principes*, where it is thus written; *There ſhould be no ſecular powers within the Church, but only for this purpoſe, that whatſoever thing the Prieſts or Miniſters cannot bring to paſſe by preachings or teachings, the ſecular powers may command the ſame by the terrour and fear of diſcipline. For oftentimes the heavenly Kingdom is profited and holden by the earthly Kingdom: that they which are in the Church, and do any thing contrary unto faith and diſcipline, by the rigour of the Princes may be troden down, and that the power of the rulers may lay that diſcipline upon the necks of the proud and ſtif-necked, which the utility and profit of the Church cannot exerciſe or uſe.*

Item, all things that by power ought to work or bring to any perfect end by the reaſonable meaſuring of the mean thereto, may lawfully uſe by power the ſubſtraction or taking away of the exceſſe, and the addition of the want of the means, according as ſhall be convenient or meet for the meaſure to be made. For ſo much then as the ſecular Lords ought by their power to provide for the neceſſary ſuſtentation of the Chriſtian Clergy, by the reaſonable meaſuring of their temporalities, which they are bound to beſtow upon the Chriſtian Clergy, it followeth that they may lawfully by their power uſe the taking away or putting unto of thoſe temporalities according as ſhall be convenient for the performance of that reaſonable matter. 18.

Item, it is lawfull for the Clergy, by their power to take away the Sacraments of the Church from the laity cuſtomably offending, for ſo much as it doth pertain to the office of the Chriſtian Miniſters by their power to miniſter the ſame unto the Lay people. Wherefore, for ſo much as it doth pertain unto the office of the Laity, according unto their power to miniſter, and give temporalities to the 19.

Clergy of Christ, as the Apostle saith, 1 *Cor.* 9. It followeth, that it is also lawfull for them by their power to take away the temporalities from the Clergy, when they do c.stomably sin and offend.

20. Item, by like power may he which giveth a stipend or exhibition, withdraw and take away the same from the unworthy labourers, as he hath power to give the same unto the worthy labourers: for so much then as temporalities of the Clergy, are the stipends of the Laity; it followeth that the Lay people may by as good authority take away again the same from the Clergy, which will not worthily labour, as they might by their power bestow the same upon those which would worthily labour, according to the saying of the Gospel, Mat. 21. *The Kingdom shall be taken away from you, and given unto a people which shall bring forth the fruits thereof.*

21. Item, it is also lawfull for the secular Lords, by their power, to chastise and punish the Lay people when they do offend, by taking away of their temporalities according to the exigent of their offence, for so much as the Lay people are subject under the dominion of the secular Lords, as appeareth, *Romans* 13. and many other places, it is evident that it is lawfull by their power to punish the Clergy, by taking away of their temporalities, if their offence do so deserve.

22. Item, the true and easie direction of the Clergy unto the life of * Christ and the Apostles, and most profitable unto the Laity, that the Clergy should not live contrary unto Christs institution, seemeth to be the taking away of their almes, and those things which they had bestowed upon them. And it is thus proved: That medicine is most apt to be laid unto the sore, whereby the infirmity might soonest be holpen, and were most agreeable unto the patients: Such is the taking away of the temporalities: *Ergo*, this article is true. The minor is thus proved, for so much as by the abundance of temporalities, the worm or serpent of pride is sprung up, whereupon unsatiable desire and lust is inflamed,

* *Who were very poor and had no Lands nor Temporalities Mat.* 8. 20. *c.* 19. 27. *Luke* 8. 3. *c.* 9. 58 *Acts* 3. 3, 5, 6. 1 *Cor.* 4. 9, *to* 15. 2 *Cor.* 6. 4, 10. *c.* 8. 9. *Phil.* 2. 25. *c.* 4. 11, *to* 20.

inflamed, and therefrom proceedeth all kind of gluttony and leachery. It is evident in this point, for so much as the temporalities being once taken away, every one of those sins is either utterly taken away, or at the least diminished, by the contrary vertue induced and brought in. It seemeth also most pertinent unto the Laity, for so much as they ought not to lay violent hands upon their Ministers, or to abject the Priestly dignity, * neither to judge any of the Clergy in their open Courts. It seemeth also by the Law of Conscience to pertain unto the Lay people, for so much as every man, which worketh any work of mercy, ought diligently to have respect unto the ability of them that he bestoweth his almes upon, lest that by nourishing or helping loyterers, he be made partaker of his offence. Whereupon, if Priests do not minister of their temporalities, as *Hostiensis* teacheth in his 3d. book of their Tithes, First-fruits and Oblations, the people ought to take away the almes of their Tithes from them.

* By the Law of that age.

Item, it is confirmed by the last chapter of the sevententh question, out of the decree of rents appropriate unto the Church, *Quicunque.* Whereas the case is put thus, *That a certain man having no children, neither hoping to have any, gave all his goods unto the Church, reserving unto himself the only use and profits thereof: it happened afterward that he had children, and the Bishop restored again his goods unto him not hoping for it.* The Bishop had it in his power, whether to render again, or no, those things which were given him; but that was by the law of Man, and not by the law of Conscience. If then by the decree of the holy Doctor St. *Augustine*, in his Sermon of the life of the Clergy, *Aurelius* the Bishop of *Carthage* had no power by Gods law to withhold that which is bestowed upon the Church for the necessity of children; by the which law, the wanton, proud, and unstable Clergy, being more then sufficiently possessed and enriched, do detain and keep back the temporalities to the detriment and hurt of their own state, and of the whole militant Church, the secular patrons being thereby so impoverished, 23.

poverished, that they are compelled by penury to rob and steal, to oppresse their tenants, to spoil and undo others, and ostentimes by very necessity are driven to beggery.

24. Item, suppose that a Priest and Minister, how grievously soever he do offend, by what kind or sign of offence soever it be, as it was in the case of Bishop *Judas Iscarioth:* of the religious Monk *Sergius*, of Pope *Leo* the heretick, and many other Priests, of whom the Scripture and Chronicles make mention, and daily experience doth teach us the same: it is evident that, as it is supposed, the Priests in the Kingdom of *Boheme* grievously offending,, it is the Kings, part, for so much as he is supreme head next under God, and Lord of the Kingdom of *Boheme*, to correct and punish those Priests. And for so much as the gentlest correction and punishment of such as be indurate in their malice, is, the taking away of their temporal goods, it followeth, that it is lawfull for the King to take away temporalities. Wherefore it should seem very marvellous and strange, if that Priests riding about should spoil Virgins, violently corrupt and defile honest Matrons; if in such case it were not lawfull for them to take away their Armours, Weapons, Horses, Guns and Swords from them. The like reason were it also, if they had unlawfully conspired the death of the King, or that they would betray the King unto his enemies.

25. Item, whatsoever any of the Clergy doth require or desire of the secular power, according unto the Law and Ordinance of Christ, the secular power ought to perform and grant the same. But the Clergy being letted by riches, ought to require help of the secular power for the dispensation of the said riches. *Ergo*, the secular power ought in such case, by the law of Christ, to take upon them the office or duty of getting, keeping, and distributing all such manner of riches. The minor is hereby proved, that no man ought to have riches, but to that end, that they be helps, preferring and helping unto the office which is appointed of God. Therefore in case that secular possessions

do

do hinder the Clergy from their duty, the ſecular power ought to take it away, for ſo did the Apoſtles, *Acts 6.* ſaying, *It is not lawfull for us to leave the Word of God untaught, and to miniſter unto tables.*

It is confirmed, Every good Chriſtian is bound to be helpfull to his neighbour in thoſe things, eſpecially which do concern the publick good: But it will be a great help to a Clergy man to be deprived of his temporal poſſeſſions, it being granted, they do *retard him from his duty due unto God; Therefore the perſon more ſufficient is bound in ſuch a caſe by the Law of Chriſt, to deprive him of temporal poſſeſſions; But Kings and Lords temporal are the moſt ſufficient for this, being truly ſaid to be Lords and Poſſeſſors of temporal eſtates: and undoubtedly this would eſpecially concern the publick good, to make ſuch a de-oneration of temporals, which in their nature are but a burden to a Clergy man, retarding him in his ſpiritual duties, and ſo many thorns (as our Saviour ſpeaks it in the 8. of St. *Luke*) *Choaking the Word of God.* 26.

* 2 *Tim* 2. 4. *Mat.* 10. 9, 10. *Phil.* 3. 18, 19, 20. 2 *Tim.* 4 10. *Luke* 8. 7, 14.

Moreover, Kings and ſecular Princes are the chief or capital Lords of goods temporal, having a care over the Church, and a ſpecial power for the inferring of ſuch a Coaction, as it is manifeſt 23. queſt. 5. *Principes*, where by the authority of *Iſiodore* 30. *Etymol.* 53. It is thus written: *Let ſecular Princes know, that they muſt render an account to God for the Church which they are to maintain for Chriſt.* And in the ſame queſtion it followeth, *It is proper to Kings to execute Juſtice, and Righteouſneſſe, and to deliver from the hand of the gain-ſayers and ſlanderers, thoſe who are orpreſſed by force, and to aſſiſt the Stranger, Orphan, and Widow, who more eaſily are oppreſſed by the powerfull.* And in the ſame queſtion it followeth, *The King ought to prohibit thefts, puniſh adulteries, deſtroy the wicked from the earth, not ſuffer paricide and perjured perſons to live, nor their own ſons to live wickedly.* And by declaring where a Biſhop abuſeth the goods of the Church, Bleſſed *Gregory* writes thus, as it is recited in the Decretals, 16. queſt. 7. Decret, where having taught, *that the goods of the Church* 27.

The duty of Kings.

Church are common, he subjoyneth, *We have received a bad report that some Bishops confer not the Tithes belonging to their Diocesse, and the Oblations of charitable Christians on the Priests, or poor, but on Lay persons, viz. Souldiers, or their own Servants, or, which is worse, on* * *their Kindred; If therefore any Bishop shall be found to be a transgressor of this Precept, he is to be ranked amongst the greatest Hereticks, and Anti-christs.* And as the *Nycen* Council censured of persons guilty of *Simony, both the Bishop who giveth, and the Lay men who receive, are without ransome, price, or benefit to be condemned to the punishment of everlasting fire.* Therefore what faithfull King, Prince or Lord would not resist such contagious persons who infect their own mother. Whence 3. quest. 2. *Si Episcopus,* The Canon speaketh in these words, *If a Bishop by his ill life shall waste the goods of the Church, he is to be removed from his Patrimony untill full knowledge be had of the dilapidation he hath made, after the Example of Tutors and Curats, who being suspected are removed from their Cure or Tutelage, untill a more full knowledge be had of the suspected person.* But the Doctors say, that the dilapidation ought first to be proved, which being done, *an assistant ought to be given to him to the end of the Trial, but the Correction would then be taken from the secular Prince;* It seemeth therefore the correction of the Prelate being wanting; It belongeth to the King to dispose of his goods according to the *Civil Law.*

* *As most do now.*

Bishops conferred Tithes on unworthy persons

28. Every Member of the Church ought to help one another, but temporal Lords are Members of the Church with Priests beneficed. But the case so may be that the chiefest help they can afford them, is to deprive them of their temporal goods, therefore in such a case they ought to do it. And the Power or the Sword of which the Apostle maketh mention *Rom.* 13 being sufficient for this; And by consequent it being superfluous to appoint another, it seems they have a power whether some case doth extend it self to the correction of the Clergy. *For if I ought to help even the beast of my enemy being out of the way, or lying down, Exod.* 21. How much more in the new Testament, having the opportunity and

and power so to do, ought I to free from the jaws of the Devil, the Soul of my Curate insnared with the *Mammon of Iniquity*.

There being a power of Fact, and a power of Right; It is granted, that the King *de facto* may take away the Temporals from a Clergy-man, being a Delinquent; and it is granted withall, that the taking away of the said Goods may be an occasion to that Ecclesiastick person, for the abandoning of all wordly affairs, and devoting himself more peculiarly to the worship of God. This Case will not be denyed by any faithfull Christian, not over-blinded with the dross of Temporal things. For as St. *Augustin* saith, *It is expedient for many to fall into manifest sins, that knowing their own frailty they may live more humbly, and by grieving for their sins, they may be more cautious how they sin again.* It is therefore much more expedient that many be poor, and to be without the civil Dominion. The Case admitted, it is manifest, that the King doth a good work in the General; now every such work may be well done; therefore he may well take away the Goods from an Ecclesiastical person: for if the greater part of evil works may in the generality of them be well done, much more may every good work in the generality of it; For it is not repugnant to Grace or Almes that this good work proceedeth from it: neither is it to be doubted, but that God in such a Case doth give a power to the King, which he eternally ordaineth to the performance of his pleasure. It being granted then that the King, and the said Ecclesiastick may reign together in Heaven, there would be both notice and joy for the taking away of such a Temporal estate, although by our Childish blindness it appeareth to men of a grosse understanding to be disadvantageous.

29. *Mark* 10. 21, *to* 31. *c.* 28. 34 2 *Tim.* 2. 4.

A Sin committed and acknowledged, doth render us more carefull.

Again, if this be an error, that Temporal Lords may at their pleasure take away temporal things from Ecclesiastical persons, being habitually Delinquent; then it is false also against the true way of the Church, and so Heresie, because that All truth is in the holy Scripture, as Saint *Augustine* often affirmeth; and by consequent, since this

30.

way should be a falshood, it followeth that it would be contrary to the holy Scripture. And certain it is, that it is pertinaciously and strongly defended, because Kings and Princes believe that it pertaineth to their Soveraignty to have this power; for grant the contrary, it will follow, that Ecclesiastical persons, seeing they are great Trangressors, may destroy both Kingdoms and their People, to prevent which it may be lawfull for the King to resist the Clergy, or to impugn his Charity, by the ablation of his proper Almes, and those Temporal goods, which are the Fire exciting hereunto. Now the King could not lawfully punish the bodies of such Traytors, if he could not lawfully take from them, and alienate their Temporal estates, over which he hath a special Dominion. And since this power is the chiefest Royalty of the King, it would be the same thing to infringe this power, and subtilly to overthrow the Government of the Kingdom.

31. Again, seeing many Kings, and Nobles being Catholicks *have oftentimes exercised that power*; it were the same, according to such a form, to assert the assumption, and afterwards to condemn the Lives and Souls of those Hereticks, which the Heirs of Kings, and especially their Sons have stoutly opposed; for thus, according to the Priests and Pharises accusing Christ of *Heresie*, they would impose a manifest Error, and Heresie on the King, of whom they have so great a Temporal assistance: But God when he pleaseth will move the heart of the King, to overthrow their madness.

32. Again, Ecclesiastical persons are either the Chief Lords of those Revenues, and Temporal estates which the King hath given to them, or they are not; if they are, it truly followeth, that for the greatest part those Ecclesiastical men are the chief Lords of our Kingdoms; and so, as to their Temporals, not subject to the King, which it seemeth they themselves do conceive. The first consequence is manifest by this, *because the Clergy-men of our Kingdom have the fourth, or third part of the Revenues of it.* And from hence it is, that they will not be called *Presbyters*, but

The Lord Prelates have the fourth or third part of the Revenues of this Kingdom.

but *Lord Prelates, L. Præpositors, L. Canonicals, L. Prebends, L. Presbyters.* And if any man shall call them *Presbyters*, they are presently angry, as if you had called them *Commoncryers*, or *Tormentors.* But if the Clergy-men, are not the chief Lords of those Revenues, and Temporal estates which the King hath given them, as holy men are of opinion, who say, *That Ecclesiastical Persons are not Lords, but Attornies or Procurers only for poor men*; it then followeth, *That the King is the Soveraign Lord of their Goods and Estates*, and by consequent, *can take them away from those Ecclesiastical persons, who are Delinquents, and bestow them on the poor of Christ.* And from hence it is the Canon affirmeth, *that in the time of necessity, to provide for the poors relief the Goods of the Church may be sold by the Priests*, 12. *quest.* 2. *cap.* Sicut Ecclesiast. *Parag. Secundo.* On which St. *Ambrose* limiteth the cases in *which they may break and sell the Vessels consecrated to the Church*, as it is manifest, *Dist.* 96. *Whatsoever in Gold, Pearls or Jewels, or in Silver, or in Vestments shall appear to be less usefull, which cannot long be kept, or continue for the service of the Church, let them be sold according to their full value, and the profit thereof be given to the poor.* Saint *Ambrose* doth insist also at large upon this particular in his fifth book of *Offices.*

Note. Note. St. *Ambrose.* *The selling of Gold and Silver Vessels and Vestments.*

Again, *many Kings have oftentimes wholly taken away the Temporal estate from the Clergy*, as it is manifest by the destruction of the *Templers*, and many other private ablations; but they never did, or could do so lawfully, as is manifest by the * Adversaries. Therefore in this they did that which lawfully they could not do. And moreover, in this they did that which they could not do meritoriously, or according to the law of God. And seeing that every work of man proceeding from deliberation is either lawfull, or unlawfull, meritorious, or demeritorious, it followeth that they did it unlawfully or demeritoriously; and it followeth moreover, that in so doing they fell into a dangerous error, and as destructive to the Soul as to the Body: and that this error is directly contrary to the Catholick truth, it doth appear by a threefold consideration.

33. *The Templers.*

* *This argument is by way of retorsion. These Lands being taken from the Templers by the Pope and Clergies consents & solicitations.*

sideration. First, That Kings by so doing did that which neither was nor could be lawfull. Secondly, Because they took away the Goods of other men against a commandement of the second Table. And thirdly, Because they did it not in Almes, which is against the Catholick truth, *Let all things what you do be done in Almes.* All the Antecedent is granted by the Adversaries; and this error being in Fact, if Kings pertinaciously shall defend it, resolving by their power (as if a lawfull one) to take away from Ecclesiastical persons, though Delinquents, their Temporal Goods, they are in a Heresie. From which it further followeth, that Kings persisting in so doing are Hereticks; and if they shall defend what they have done unto death, it followeth that they are Hereticks, and damned; and from this again, it farther followeth, that Clergymen beneficed who do believe what here is said, should not pray for the said Kings deceased.

34. *A Church endowed conditionally.*

Again, the *Emperour* or a *King*, not only *ought eth, but it becommeth him so to indow the Church, that he may lawfully take from it his gifts of Almes, in case that the abuse thereof doth tend to the detriment of his Kingdom, and the hinderance of the preaching of the Gospel.* Suppose therefore, that under such a condition he hath endowed such a Church, it may thereupon be thus argued. If according unto that form the Emperour or the King had endowed the Church of *Prague*, he might lawfully in the case of the Detriment of his Kingdom, or in the contempt of his own person, *or in the case of the not preaching of the Gospel*, take away his gifts of Almes. But the Emperour or the King could under such a condition have endowed the Church of *Prague*; *Therefore for the contempt of the Clergy he could lawfully take away the said gifts of Almes he had given.* The condition therefore being lawfull and honest, and the custom both of the King and kingdom, do show that condition *in facto* to be added. It seemeth to be too presumptuous an assertion, *that our Princes cannot take from them their gifts of Alms, be the faults they have commited never so enormous*; yea when it was properly in their power to adde such a condition.

And

And again, when as those who received those gifts of Almes could commit never so grievous offences, as already I have said. It is manifest, *that our Princes have a simple and an absolute power to withdraw their gifts of Almes, a possible danger being imminent, and by the same rule it followeth, that on the like possible emergencies they may do it for the time to come.*

Again, the King of *Bohemia*, or the Emperour indowing his Church, *neither ought, or can indow it to the weakning, or the worsting of his kingdom.* For all power is from God, which cannot give any power to this end. But suppose it so should come to pass, that a King or the Emperour had absolutely indowed a Church without such a condition to be understood, *yet such a condition ought to be understood*; and by consequent, *when such a condition of the Clergy doth fall out, the King by taking the Temporals from them into his own hands doth do no injury to the Clergy, the condition being dissolved and made null by his or their defect.* The minor of the Argument is thus proved, If all those Goods with which our Church is indued did immediately and directly so pertain to the *Pope*, that the King had no interest neither in the possessions nor the persons, the fourth part of the kingdom and more being devolved to a *Mortmayn*, it would follow, that our King is not King of all *Bohemia*, more than the fourth part thereof being fallen into a *Mortmayn* for the Clergy; and the possessions of the Clergy every day increasing; *and the possessions of the Barons, Knights, and other Seculars every day decreasing, it may easily come to pass, that the whole possession of the Kingdom of* Bohemia, *may be devolved to the Clergy, as it hath come to passe in the* Rhene.

35.

Rom. 13.

Note.

The fear least the whole possession of the Kingdom of Bohemia *be devolved to the Clergy, as in the* Rhene.

If *this comes to pass, the Dominion of our King, and of the Barons will be extinguished, and by consequence all Soveraignty*; for it is not lawfull for the King (as the Clergy do affirm) to interpose in matters concerning themselves, or their possessions, be their offences never so haynous; neither is it lawfull for the King to meddle with their Temporals, how great soever the abuse doth tend to the indangering of the kingdom

dom, because (they say) they are exempted from all Kingly Jurisdiction, both in Body and in Goods, and immediately subject to the Pope; *And thereupon committing insolencies in the kingdom, they will not be corrected by the King, but are like good or evil Angels, not subject to the King in his own kingdom.*

The Clergy unwilling to be subjected to the King.

36. Again, according to the Decrees of *Gregorie*, 2. quæst. 3. *He ought altogether to lose his privilege, who abuseth the Power that is committed to him*; but every Clergy-man abusing the Kings gifts of Almes, doth abuse the power committed to him; That indowment therefore being a Privilege, it directly followeth, *that he ought altogether to lose it.*

The abuse of gifts.

And to whom, but to the *King who did impriviledge him*? for it is his priviledge to interpret, and to defend, or take away, whose priviledge it is to make.

37. It is confirmed by that of *Matthew*, Chap. 23. *To every one that hath it shall be given, and he shall abound: and to him that hath not, even that shall be taken which he hath.* When the King is obliged so to abound by the Title of his Justice, it seemeth that the *Ablation*, or the taking away from him whom he hath indowed with Church gifts, ought to proceed from the King himself; it being supposed it may so come to pass, that he may seem to have those gifts of Almes which he hath not.

38. It is confirmed also by the law and due of these Spiritual gifts of Almes; for the King is bound by the laws of God and of his Kingdom to preserve Justice, for the safety of his Liege-people. But the chief work of such a mercy which belongeth to a King is a *coactive castigation*, to continue such works of Almes which he ought to see performed. The Clergy-men therefore who take the greatest offence at the taking away of Temporals, *do yet challenge, that the Seculars do defend the gifts of their Progenitors remaining in their strength*; which cannot be, unless the Church hath the profit from such gifts of Almes, in such a manner, that being put together it may remain upon the account of Priviledge, or of free gifts of Almes, *which is extinguished when the said Clergy-men do abuse their gifts*, according

cording to the Decrees of *Gregory* alledged in the foregoing confirmation. *If therefore the Temporal Lords* (as the Clergy-men who enjoy these Gifts of Alms do challenge) *are bound to continue the charitable Donations of their Fathers, whose Heirs they are*; they are then bound to conform *themselves to that which followeth*; for otherwise they would be obliged to Contradictories against the possibility of the Divine law, *viz.* both to continue the said Gifts of Almes, and to defend their abuses in the several species of them; according to which sence, they do want the form and the very essence of a spiritual Gift of Alms. Therefore when Kings and Secular Lords are bound to continue the Almes of their Progenitors in the perpetuity of them, they are obliged also by the law of Spiritual almes to chastise their Liege-people abusing them. They are obliged also by that Obligation, to do justice to their Subjects, and to extinguish those injuries which most dangerously tend to the ruine of their Subjects.

It is manifest, that in some case they are bound to restore their Goods to the Holy Church, and to take them away from the Despisers of God and his Kingdom; for this was the condition of the first and antient Donation. Therefore if our King have not the power over these his Peers to correct the abuse of Almes in his Clergy, he hath not the power of governing politickly over all his Kingdom; But yet if we do well attend to the holy Scripture, we shall know what is spoken of the priviledge of the King, to wit, that he hath a coercive power over the Clergy; and the Clergy have a priviledge also, that they have such a One set over them, to whom deservedly they may submit themselves.

Again, Kings and Princes, and all Lords Temporal are bound to a Brotherly correction, some circumstances concurring, which require such a correction. But it may well come to pass, that a Clergy-man may transgresse with such a circumstance, that *a Brotherly correction of him may be most needfull and effectual, by merely taking away from him those Temporals which he abuseth.*; *Therefore it may so come* 39:

to

to pass, the Temporal Lords by the Law of Christ are bound unto it; neither doth it any thing avayl to say, that the Dispensation of the *Pope*, or any Priviledge, or Exemption doth exclude it; for God forbid, that a Catholick should affirm, that it is lawfull for Christs Vicar to do that by his Traditions, which may hinder, or derogate from the Practick law of Christ, and impede Catholick Lords from an effectual, and a profitable correction of the Church; *for it is not lawfull for a man so to exempt any, as if he shall fall into a sin, it shall not be in his Power to correct him.*

Dispensation. Upon this account it is, that St. *Bernard* in his third Book to *Pope Eugenius*, calls a Dispensation which is not for the Publick good, a Dissipation; And hereupon he hath these words, *What? Do you forbid to dispence? No, but to dissipate; I am not so silly as to be ignorant that you are made Dispencers but to edification, not to destruction. Amongst Dispensators, or Dispensers it is required, that a man be found faithfull: when Necessity urgeth, a Dispensation is excusable; when Profit inviteth it, the Dispensation is laudible; but this Profit must be publick, and common, and not private and particular; for where neither of these two are, it is not a faithfull Dispensation, but a cruel Dissipation.*

From the words of this Saint it is manifest, that priviledging or exempting is not a *faithfull Dispensation*, but a *cruel Dissipation.* If Clergy-men be exempted, let their sin be never so enormous to from being corrected by any but the Pope only. For what is the profit of the Church, that Clergy-men should be wanton and rampant as Bulls, and like untamed Horses, neigh unto their Neighbours wives; unless in such grievous exorbitancies, some yoak, or curb be imposed upon them by the Princes. For Priviledging, Dispensation, or Exemption, ought not to be an Authority to them for the committing of sin; for St. *Augustin* in his fourth Book, intituled *Authority*, Quæst. 23. saith, *That he who sinneth, sinneth not by the Authority, but against the Authority of the Law.*

40. Again, the addition of temporal Goods is commonly not so near to the last necessity of salvation by corporal punishment

ment, as *the taking away of the Abuse is near to the last necessity of the perpetual Salvation both of Soul and Body*; As it is a work of greater mercy to take away a Sword from a Mad-man that would kill himself, than to give a Sword to a persecuted man to defend himself from one that doth endeavour to kill him; for it is worse for a man to be killed by himself than by another; for the first is damnable, the second just, or meritorious. And to this sence is that of Saint *Augustin* 5. *Quæst.* 5. *Not every one who spareth is a Friend, nor every one who scourgeth is an Enemy; for the wounds of a Friends are better than the fraudulent kisses of an enemy; it is better to love with security, than to deceive with lenity.* And to the same purpose is that which followeth, *It is safer to take Bread from a hungry man, if having abundance of Bread he neglecteth Justice; than to give Bread to a hungry person, that being seduced he may acquiesce in Injustice.* And again, *He who binds a Mad-man, and he who awakens and rouzeth up a Lethargick-man is a friend to them both, although he is troublesom to them.* Thus far Saint *Augustine*, by whose example, if Lords Temporal are bound to give charitable Gifts to the Clergy, that they may be the better incouraged to the performance of their Duties, *they are also bound by the same law of Almes to take away the said Gifts from those that do abuse them, least by suffering the abuse, they destroy their own Souls.*

The wounds of a Friend are better than the deceitfull kisses of an Enemy.

And hence it is, that amongst all the sins to which the Superiours of our Kingdom of *Bohemia* are most obnoxious, the greatest are Blind zeal, False mercy, and a Consentanious omission, either by negligence, or which is above all most horrible, when mony is received, for giving consent unto a Crime, and the Enemy of Christ is unjustly defended by the Almes given to the Clergy; Whereupon St. *Augustine* in his 3. Epist. to *Macedonia* writeth, *We more mercifully do draw back than give to such Persons; for he doth him no good, who helpeth a man, but rather doth pervert him and oppresse him*; Whereupon it is to be admired, *why a Clergy man who hath a thorn in his foot, will suffer a Lay-man to pull it out, that he might walk the better, and will*

In the Superiours of the Kingdom, Blind zeal, False mercy, and a consentaneous Omission.

Note.

not suffer him when Riches do choak his affections to take them away from him, that so walking uprightly in the footsteps of Christ, he might save his Soul, unless peradventure he would show thereby, that he loveth the soal of his Foot better than he doth his Soul: For if he loved his Soul better, he would then with joy sustain the plunder of his Temporals; for so those Christians did to whom the Apostle writeth, Heb. 10. *you took joyfully the spoyling of your Goods, knowing in your selves, that you have in Heaven, a more enduring substance.* And since our Saviour having no fault in himself, did humbly and willingly endure the losse of his Garments, and a most bitter and ignominious Death; the example of our Saviour, *and the consciousness of his own Guilt should move every Clergy-man even patiently to endure the taking away of his Goods.* Note. *But if a Clergy man doth so grievously murmur against the taking away of the mammon of Iniquity, how would he endure reproach, and blows, and spittle, and martyrdom, and Death it self for the Name of Christ?* Such a Clergy-man never thinketh of that in St. *Ambrose*, concerning the *contempt of the world*; In which he hath these words, *O most wretched man! with what a fraud art thou circumvented? with what a grief art thou deceived? with what a snare art thou captivated? who feareſt that thy wordly possessions should be taken from thee, and hast no fear in the mean time of losing of that most excellent Creature, thy own Soul?*

41. Again, God permitteth Ecclesiastical persons, so exorbitantly to offend, *that they may deserve to be plundered of their possessions, neither doth he cause the plundering of them, but by setting Temporal Lords on work to see such an Execution thorowly performed.* Obj. This Article therefore is true. But peradventure it will be objected, That by the addition of this Particle that it is in their lawfull Power so to do, according to their own arbitration, the whole strength of the Instance above-mentioned is taken away. Anſ. Nevertheless, according to the five Rules of Logick, and Metaphysicks it is manifest, and plainly consequent, that if the King and Temporal Lords cannot do so according to their own Arbitrement, it must be so, because that Arbitrement

ment is either a Power Judicial, or a Judicial Act of the same Power; and grant what may be granted: If the Temporal Lords could not act so according to that Power, or such an Act, it would follow, *that they have no power to act any thing at all. For if they ought to expect the Arbitration of the Bishop of* Rome, *or of the Archbishops, and all the Clergy of this Kingdom, the chief Power would reside in the Clerks only, and the great Prelates, and Bishops of the Kingdom; and so our King should not be King of* Bohemia, *neither any of the Peers of the Land, or Lords Temporal should have any visible Power, which must wholly and necessarily be reduced to the Clergy, and by consequence the Clergy it self should be secularly over the King;* which is directly against the Law of Christ, *Luke* 22. where our Saviour saith, *That the Kings of the Gentiles do exercise Lordship over them, and they that exercise Authority upon them are called Benefactors. But you shall not be so. On which place Saint* Bernard, writing to the Pope *Eugenius,* saith, that *Lordship was forbidden the Apostles.*

Note.

The Dominion of the Clergy over the Power Politick.

Again, as Ecclesiastical Persons do joyfully receive Prayers from Kings and Dukes, for their good works: so by the same account when they do offend, they obediently ought to receive punishment from them for their evil work. The consequence holds, for punishment for sin, being humbly & patiently received, is more profitable to a Man, than Prayse for a good work. Whereupon St. *Gregory* writeth to *Mauritius* the Emperour that did persecute him, *I do believe that by so much the more you do please Almighty God, by how much the more you do punish me that am an evil Servant to him.*

An excellent Reason.

If therefore the Pope without offence did so humbly receive punishment from the Emperour, why should not an inferiour Clergy-man be as patient, who justly, nay peradventure, who grievously offendeth? why should not, he I say, receive patiently punishment from him who is his King, or Prince, or Duke, and to whom he is subjected? Saint *Peter*, the imediate Vicar of Christ, saith in his first Epistle and second Chapter, *Submit your self to every Creature for the Lords sake, whether it be to the King as Su-*

pream; Or unto Governours, as unto those who are sent by him, for the punishment of Evil doers, and for the praise of them that do well, for so is the will of God.

Leo *the Pope subjected himself to* Ludovick *the Emperor.*

In order to this Rule Pope *Leo* did subject himself to *Ludovicus* the Emperor, as it is written, 2 *Quæst.* 7. in these words, *If we have done any thing incompetently, and have not to your Subjects observed the true rule of the Law, we are ready to amend and correct all things according to yours, and your Counsels judgement; for if we who ought to correct the sins of other men do commit greater offences our selves, certainly we are not the Disciples of Christ, but as with grief we speak it, we shall be above all others the Masters of Errour; And in his tenth Distinction writing to the Emperour of Obedience, he hath these words, As for the most faithfull, and irrefragable keeping and observing of the Imperial Orders and Precepts, and of the Bishops our Predecessors, (Gloss, that is of the Emperours who are anointed after the manner of Bishops) we professe, that both now, and alwaies, to the uttermost of our Power, by the Grace of God we will be most carefull; and if peradventure any other Man either hath or shall inform you otherwise, be assured for certain that he is a Lyar.*

Behold how that holy and devout *Pope*, calling even Emperours by the Name of *Bishops*, according to the rule of the Apostle Saint *Peter*, did submit himself, as well to *obedience* as to *punishment*. Why therefore should not a Clergy-man of the Kingdom of *Bohemia* submit himself for the Lords sake to the King in obedience? and if he hath offended in punishment also; and not only to the *King*, but unto *Dukes*; and not to *Dukes* only, but also to *every humane Creature?* for by how much the more he humbleth himself in this world for God, by so much he shall be the more exalted by God in the world to come; *And what hinders that this should be done, but Pride only? by which Antichrist doth extoll himself above our most humble Lord and Master Jesus Christ.*

The pride and tyranny of the Clergy.

42. Hildegardis *Prophecy.*

Also the foresaid opinion concerning the ablation of Temporalties, seemeth to be manifest out of the Prophecy of *Hildegardis* the Virgin, which she puts down in her

Books

Books under *Eugenius* the Pope in the Counsel of Treverse, approved and allowed by many Bishops of *France*, *Italy*, and *Almaine*, which were there present, whereas also Saint *Bernard* himself was present; the which Virgin prophecying spake in this manner, The Kings and other Rulers of the World, being stirred up by the just judgement of God, shall set themselves against them, and run upon them, saying, We will not have these men to reign over us with their rich Houses and great Possessions, and other worldly riches, over the which we are ordain'd to be Lords and Rulers; and how is it meet or comely, that those shavelings with their tooles and chisils should have more souldiers, or more or richer armour or artillery than we? So is it not convenient, that one of the Clergy should be a man of War, neither a Souldier to be one of the Clergy. Wherefore let us take away from them that which they do not justly, but wrongfully possess. And immediatly after she saith, The Omnipotent Father equally divideth all things, that is to say, the Heavens he gave unto the heavenly Creatures, and the Earth unto the earthly. And by this means was there a just division made between the Children of men, that the Spirituality should have such things as belong unto them, and the Secular people such things as are meet and necessary for them, so that neither of these two sorts do oppresse each other by violence; for God doth not command, that the one Son or Child should have both the Cloak and the Coat, and the other should go naked: but he willed, that the one should have the Cloak, and the other the Coat. Wherefore the secular sort ought to have the Cloak for the greatnesse of their worldly cares, and for their Children, which daylie increase and multiply. The Coat he giveth unto the Spiritualitie, that they should not lack clothing, and that they should not possess more than necessity doth require. Wherefore we judge and think it good, that all these aforesaid be divided by reason and equity. And whereas the Cloak and the Coat are both

found.

found, there the Cloak should be taken away, and given unto the needy, that they do not perish for lack or want. These aforesaid spake the Virgin *Hildegardis*, plainly foreshowing the taking away of the Temporalities from the Clergy by the secular Lords, and shewing for what cause they shall be so taken away. And what manner of division shall be made of those things that are taken away, that they be not consumed, and spent unprofitably.

This blessed *Hildegardis*, whose Prophecie this, flourished about the year of our Lord 1046. as it is written in *Martins* Chronicles.

43. Hugo *de Sacram. part 2.*

Also *Hugo* in his second Book of Sacraments, in the second part, third Chapter and 7. saith, The Laity forasmuch as they intermeddle with earthly matters necessary unto an earthly life, they are the left part of the body of Christ. And the Clergy, for so much as they do dispose those things which do pertain unto a spiritual life, are as it were the right side of the body of Christ. And afterward interpreting both these parts himself, he saith, A spiritual man ought to have nothing but such as pertaineth unto God, unto whom it is appointed to be sustained by the Tithes and Oblations which are offered unto God: but unto the Christian and faithfull Laity the possession of the Earth is granted; and unto the Clergy the whole Charge of Spirtual matters is commited, as it was in the Old Testament. And in his seventh Chapter he declareth, how that certain things are given unto the Church of Christ by the devotion of the Faithfull, the power and authority of the Secular power reserved, lest there might happen any confusion; Forsomuch as God himself cannot allow any disordered thing. Whereupon oftentimes the worldly Princes do grant the bare use of the Church, and oftentimes use and power to exercise Justice; which the Clergy cannot exercise by any Ecclesiastical Minister, or any other person of the Clergy, Notwithstanding they may have certain Lay-persons Ministers unto that office. But in such sort, saith he, that they do acknow-

acknowledge the power which they have to come from the Secular Prince or Ruler, and that they do understand th ir Poſſeſſions can never be alienate a way from the Kings power; but (if that neceſſity or reaſon do require) the ſame Poſſeſſions in all ſuch caſe of neceſſity do owe him obeyſance and ſervice. For like as the Kings power ought not to turn away the defence or ſafegard which he oweth unto other: ſo likewiſe the Poſſeſſions obtained and poſſeſſed by the Clergy, according to the duty and homage which is due unto the Patronage of the Kings power, cannot by right be denyed. *Note.*

Thus much writes *Hugo*, with whom *John Hus* concludes his Diſputation.

Mat. 5. 39, 40. *But I ſay unto you, that you reſiſt not evil; And if any man will ſue thee at the Law, and take away thy Coat, let him have thy Cloak alſo.*

Phil 3. 8, 17, 18, 19, 20. *Yea doubtleſs, I count all things but loſſe, for the excellency of the knowledge of Chriſt Jeſus my Lord, for whom I have ſuffered the loſſe of all things, and do count them but dung, that I may win Chriſt. Brethren be followers together of me, and mark them which walk ſo, as ye have us for an example. For many walk of whom I have told you often, and now tell you weeping, that they are the enemies of the Croſs of Chriſt; whoſe end is deſtruction, whoſe God is their belly, whoſe glory is their ſhame; who mind earthly things. But our converſation is in heaven.*

Col. 3. 1, 2, &c. *If ye then be riſen with Chriſt, ſeek thoſe things which are above, where Chriſt ſits at the right hand of God. Set your affection on things above, not on things on the earth; for ye are dead, and your life is hid with Chriſt in God. Mortifie therefore your members which are upon the earth, inordinate affection, evil concupiſcence, and covetouſneſs, which is idolatry; for which things ſake the wrath of God cometh upon the children of diſobedience.*

A Supplemental Appendix to the premised Disputation of John Hus, *irrefragibly evidencing the Supream Jurisdiction of our Kings, Lords, and Parliaments, not only over the Persons, Liberties, Lives of our Archbishops, Bishops, Abbots, Priors, Churchmen, in cases of High Treason, Rebellion, Disobedience, Contumacy and Disloyalty; but likewise over their Temporal Lands and Estates, to seise and confiscate them without Sacriledge or Injustice.*

HAving presented the Readers with the memorable *Disputation* of this famous learned *Bohemian* Marty *John Hus*, in justification of our *English* Apostle, and prime Assertor of the Reformed Religion, we now profess, whose Doctrine spread it self into (*a*) *Bohemia*, *Germany*, and other parts, to the subversion of the *Popes* and *Prelates* usurped *Authority* over Kings, & Popery by degrees. It will not be unseasonable, by way of *Appendix*, to subjoyn some memorable domestick Evidences & Presidents in all Ages, to justifie their opinions in point of practise: Not with the least intention to deprive the faithfull, painfull Ministers and Preachers of the Gospel, or any true Evangelical Bishops of the antient Glebes, Tithes, Dues belonging to their respective Parochial Churches, or of that liberal competent Maintenance, or (*b*) *double Honor which belongs unto them* by a *divine right*, and common natural Justice, *for their labour in the work of the Ministry*, which I have

a *Mr.* Fox *Acts and Monuments, vol.* 1. *The Preface to* John Hus *his work*, Bishop Jewel, *Dr.* Jo. White, Bishop Vsher, *Dr.* Featly, *Illeric. Catalogus Testium, Veritatis, and others.*

b 1 *Tim.* 5. 17, 18. *Mat.* 10. 10. 1 *Cor.* 9 4, to 16. *Gal.* 6. 6. *Hob.* 7. 2, to 11.

have (c) *publickly* and largely asserted: But only to vindicate the just Prerogative of our Kings, and Jurisdiction of the Temporal Lords and Commons in Parliament, over the Persons, and superfluous large Temporal Mannors, Lands and Possessions of delinquent Archbishops, Bishops, Abbots, Priors, Deans, Chapters, Monks, and other religious Persons, which are not of Divine or Apostolical, but mere Humane institution, and not absolutely necessary to the being of the Church of Christ, as true Evangelical Bishops and Ministers are, whose principle office and duty is frequently to preach the Gospel, and administer the Sacraments; not to domineer over their people, or suspend them from the Lords supper. Mat. 28. 19. 20. Mar. 16. 15. 1 Cor. 5. 7, 18, 21. c. 9. 14, to 19. 2 Tim. 4. 2, 5. Rom. 10. 19, 20. 1 Pet. 5. 2, 3.

c *In the first & second part of* A Gospel Plea for the Tithes and settled Maintenance of the Ministers of the Gospel. *London*, 1656.

To this end, I shall desire our Archbps. Bps. and other Cathedralists to consider 1. That (d) *Gratian* the Canonist, (e) *Peter Lombard* the School-man, with most other Canonists and Scholmen in their Glosses or Commentaries on their Texts; (f) *Matthew Parker* Archbishop of *Canterbury*, Mr. (g) *John Fox*, (h) *William Harrison*, (i) *Richard Grafton*, (k) *John Speed*, and no lesse than *thirty more* of our antient *Historians* and other Authors, quoted by * *Archbishop Usher* for this purpose, affirm, ᶜ That the ᶜ antient *Britains* before their conversion to Christianity ᶜ had 28. *Flamines*, and 3. *Archflamines* in this our Island, ᶜ to whom the other Priests were subject, having distinct ᶜ Cities, Sees, Dioceses, and Temples wherein they resided and exercised their Ecclesiastical Jurisdictions; that ᶜ King *Lucius* upon his conversion to Christianity, about ᶜ the year of our Lord 175. by Pope *Elutherius* his direᶜtion, took away their Sees, Lands and Temples from ᶜ them, and placed 28. Bishops, and 3. Archbishops in ᶜ their steads, turning their Sees into Archbishopricks and ᶜ Bishopricks, and their Temples into Cathedral Churᶜ ches. Yea *Gratian* himself *Distinctio* 21. and the *Glossers* on him resolve, ᶜ That the distinction among Priests, whence ᶜ some are stiled *Priests* simply, others *Archpriests*, others ᶜ *Choral Bishops*, others *Bishops*, others *Archbishops* or *Metropolitans*,

d *Distinctio* 80.
e *Sentent. l.* 4. *Dist* 24.
f *Antiq. Eccl. Brit. p.* 7.
g *Acts and Monuments*, Lond. 1641. *vol.* 1. *p.* 138, 139.
h *Description of* England *l.* 2. *c.* 1, 2.
i *Chron. part* 7. *p.* 83.
k *History of Great Britain*, p. 132.
l *De Brit. Eccl. Primordiis, c.* 5. *p.* 56, 57, 58, 59, 100, 101.

m Horum discretio à Gentibus maximè introducta est, &c. Gratian *Distinct.* 21.

c *politans*, others *Primates*, others *Chief Priests* (*m*) *WAS* c *PRINCIPALLY INTRODUCED BY THE GENTILS* (not c the Apostles or Primitive Christians) who called their c *Flamines*, some simple *Flamines*, others *Arch-flamines*, c others *Proto-flamines*. If then these their Hierarchical orders were originally derived from, & they succeeded the Pagan Flamines, Arch-flamins, Proto-Flamins, in their Sees, Jurisdictions, Temporalties, and Cathedrals, which King *Lucius* took from them without sacriledge or impietie; then by the like reason and president our Kings or Temporal Lords and Commons in Parliament may devest our peccant Prelates of their Sees, Temporalties, Cathedrals, & convert them to other uses for the publik ease and benefit of the Kingdom, when they see just cause, being originally dedicated to these Flamines, Arch-flamines, Proto-flamines, and their Pagan Gods.

2ly. That admit these former Authors relations touching Flamines, Arch-flamines, and King *Lucius* erecting Bishops and Arch-bishops in their Sees, to be false and fabulous, as (*n*) Bishop *Jewel*, (*o*) Bishop *Godwin*, (*p*) Bishop *Usher*, (*q*) Doctor *Sutcliffe*, and (*r*) Sir *Henry Spelman* repute them; yet it is agreed by all, that the primitive Evangelical Bishops from our Saviours time, had no *Temporal Lands or Possessions*; till the year of our Lord 319. when the Emperor *Constantine the Great* first endowed *Bishops* and *Church-men* with them, as (*s*) *Matthew Westminster* and others record, though his pretended *Donation* of *Rome* and other Temporalties to *Popes* & their successions, as *St. Peters Patrimonie*, be a mere *forgery*, as (*t*) *Laurentius Valla*, (*u*) Dr. *Crakinthorpe*, and others quoted by them prove at large. Now (*x*) *Johannis Parisiensis*, (*y*) *Higden*, (*z*) *Wickliffe*, the Lord (*a*) *Cobham*, *Purvey*, (*b*) *John Frith*, (*c*) *Nauclerus*, (*d*) Bishop *Iewel*, (*e*) *Thomas Beacon*, and others relate,

n *Defence of the Apolog part 2. Ch. 4. divis. 2.*
o *A discourse of the conversion of Britain. p. 26, 27, 28.*
p *De Brit. Eccl. Primord. p. 57, 58, 92, 92, 99, 100.*
q *Subversion of Father Parsons 3. conversions.*
r *Concil. Tom. 1. p 13, 14.*
s *Flores Histor. An. 319. p. 33.*
t *De donatione Constantini.* u *His defence of Constantine.* x *De utraque potestate, c. 21.* y *Polichronicon, l 4. c. 26.* z *Dialog. l. 4. c. 15, 16, 17, 26.* a *Fox Acts and Monuments. p. 517, 522* b *Answer to the Preface of Mr. Moore. p 16.* c *Chron. in vita Sylvest.* d *Sermon in Hag. 2. 1. 176. Defence of the Apology. part 6. c. 9. divis. 3.* e *Reports of certain men, vol. 3. p 341.*

That

That when Constantine *endowed the Bishops and Church with Temporal Lands and Possessions, the voyce of an Angel was heard in the ayre, crying,* Hodie venenum infunditur in Ecclesiam, *This day is Poyson powred into the Church of God; and from that time* (they observe) *because of the great Riches and Temporalties the Church and Bishops had, they were made the more Secular, and had more worldly business, than Spiritual devotion; and more outward Pomp and Splendor, than inward Holyness; the Daughter, riches which the Church brought forth, devouring her Mother.* Which if an experimental verity, as sundry of our own and foreign Writers atteſt, (as I have (*g*) elsewhere proved at large;) then it can be no Sacriledge or Impiety, but wholsom phyſick, for the King and Temporal Lords and Commons in Parliament for just causes, to take away this *poyson* from Bishops, and Cathedral Churches, which hath so much poysoned, corrupted them; and to reduce them to the condition of the Primitive Bishops, who by the Decrees of the (*g*) 4th. Councel of *Carthage*, c. 14. and the Exceptions of *Egbert* Archbishop of *York*, Anno 750. c. 26. were only to enjoy *mean Houshold-stuff, course Food,* and *HOSPITIOLUM, a little Cottage near the Church*; not a Royal Palace or Lordly Manors, which made them more Proud, Lordly, Secular Tyrannical, Pompous, Covetous, than any Temporal Lords, and to take precedence of them both in great Councils, Parliaments, and other publick Assemblies, yea to intrude themselves into the greatest Temporal Offices, to the great neglect of their Spiritual Functions, they *scorning* to hold and follow *the Plough of Christ, after they became Lords and Barons of the Realm,* (as Bishop *Latymer* proves at large in his 4th. *Sermon of the Plough*) and forgetting these Canons of the 4th. (*k*) *Council of Carthage*, c. 19, 20. *Ut Episcopus pro rebus transitoriis non litiget provocatus. Ut Episcopus nullam rei familiaris curam ad se revocet,* sed Lectioni et Orationi, et verbi Dei prædicationi tantummodo vacet, as the primitive Bishops did; which would gain our present Bishops more love, respect, reverence with God, and all good men, than all

g *The Antipathy of the English Lordly Prelacy to Monarchy and Unity, ch 8, & 9. A Breviate of the Prelates intollerable usurpations upon the Kings Prerogative Royal, and Subjects Liberties, An.* 1637.

h *Surius Concil. Tom.* 1. p. 513. *Gratian Distinct.* 41. *Ut Episcopus non longè ab Ecclesia Hospitiolum habeat. Ut Episcopus vilem supellectilem, & mensam, ac Victum pauperem habeat, & dignitatis suæ authoritatem, fide & vitæ meritis quærat.*

i *Spelmanni Concil. Tom.* 1. p. 261.

k *Surius, Tom.* 1. p. 525. *Gratian caus* 2. *qu.* 7. *caus.* 13 *qu.* 1.

their Lordly Pomp, Temporal Lands or Baronies, which in all Ages have made Biſhops and Cathedral-men more Secular than Spiritual, more proud, luxurious, covetous, vicious, than religious or vertuous, as *Gregory Nazianzen*, Oratio 26. & 35. *Iſiodor Peluſiota*, Epiſt. l. 2. Epiſt. 125. & l. 3. Epiſt. 223. *Gregorius Magnus*, lib. Paſtoralis Curæ, part 2. c. 6. Moralium in Job, l. 24. c. 29, 30. & Homil. 17. in Evangelia, Gildas acris Correptio cleri Britanniæ, St. Bernard Sermo. 22, 23, 77. Cantica. ad Clerum in Concilio Rhemenſi, de Conſideratione ad Eugenium, l. 1, 2, 3, 4. Epiſt. 42. Henrico Senonienſium Archiepiſcopo, Johannis Sarisburienſis de Nugis Curialum, l. 8. c. 17, 23. Petrus Bleſenſis, Archdeacon of *Bath*; Tractatus de conſtitutione Epiſcopi, Johanni Wigornienſi Epiſcopo: & Epiſtola 15, 18, 22, 25, 43, 64. Robertus Holcot in lib. 5. Sapientiæ Lect. 77. Alexander Frabricus Deſtructorium Vitiorum, pars 4. c. 8, 14, 21, 22. pars 5. c. 2. pars 6. c. 2. 26, 40. John Wickliff Dialogorum, l. 3. c. 14, 17, 23. Alvarus Pelagius de plancotu Eccleſiæ, l. 1. Artic. 70. D. l. 2. Artic. 1. to Artic. 17. Nicholaus de Clemangis, de Corrupto Eccleſiæ ſtatu, c. 17, 18, 19. Epiſcopus Chemnenſis; Onus Eccleſiæ, cap. 14, to 27. Joannes Aventinus Annal. Boyorum. l. 5, 6, 7, 8. Albertus magnus in Evangelium Johannis, c. 10. Picus Mirandula, Oratio ad Leonem, 10. Petrus de Aliaco, de reformatione Eccleſiæ, Abbas Uſpergenſis Paralip. p. 164. Faſciculus Rerum expetendarum, p. 173. Marſil. Patavinus Defenſoris Pacis, part 2. c. 11. Theodoricus à Niem. l. 3. c. 41, 45. & l. 2. & Nemore Unionis, c. 19 Guicciarden Hiſtoriæ Ital. l. 6. St. Brigets Revelationes paſſim, Petrus de Vinels, Epiſt. l. 1. c. 35. Illiricus Catologus Teſtium Veritatis, (*k*) Peirce Plowman his complaint of the Abuſes of the World; Sir Geofry Chaucer in his Ploughmans tale, (*l*) Lucifer Prince of Darkneſs his Letters to the Prelates of *England*, written, as is ſuppoſed by *William Suinderby* a Martyr, Dr. *Barnes* his Supplication; his Articles, p. 210, to 216. and Mr. *William Tyndal* his obedience of a Chriſtian man, and Practiſe of Popiſh Prelates, *John Bale*, de Vitis Pontificum, Centuriæ

(*k*) *Fox Acts and Monuments, vol. 1. p. 529, 530, 532.*

(*l*) *Fox Acts and Monuments, Lond. 1610 p. 46, 463.*

turiæ Scriptorum Brit. and Image of both Churches on the Apocalypse; *John Frith* a Martyr, in his Answer to Mr. *Mores* Preface; *Rodorick Mors* his Supplication to King *Henry* the 8th. and Parliament, c. 23, 24. Another Supplication to King *Henry* the 8th. printed 1544. The Image of a very Christian Bishop, and of a counterfeit Bishop, printed *Cum Privilegio Regali* under King *Henry* the 8th. *William Wreghton* his Hunting and Rescuing of the Rhomish Fox, dedicated to King *Henry* the 8th: *Henry Stalbridge* his Exhortatory Epistle to his True Country-men of *England* against the pompous Popish Bishops thereof, printed in *H.* the 8th. his reign at *Basil*, *Martin Bucer* Regius Professor of Divinity in *Cambridge*; *De Regno Christi*, dedicated to King *Edward* the 6th. l. 2. c. 1, 2, 12. & De vi & usu sancti Ministerii; The Image of both Pastors, printed at *London Cum Privilegio* 1550. Bishop *Hooper* on the 8th. Commandement, p. 78, 79. Bishop *Latymer* his 4. Sermon of the Plough; *Matthew Parker* (or *Jocelin*) Antiquitates Ecclesiæ Brittannicæ, p. 139, to 144. *Thomas Beacon* his Reports of certain men, and in his Supplication, *vol.* 3. Bishop *Iewel* in his Sermon on *Haggai* 1. p. 176. and on *Matthew* 9. p. 198. (All which the Studious may (*a*) elsewhere peruse at leasure) and sundry others joyntly attest. Upon which consideration, not only *Wickliff* and *Hus*, but several of our *Martyrs*, as (*n*) *William Suinderby*, *Walter Bruce*, *John Purvey*, Sir *John Oldcastle Lord Cobham*; Sir *John Borthick*, justified the lawfullness and necessity of taking away the Bishops abused Temporalties which were such poyson to them.

a See my *Supplementum ad Flagellum Pontificis, &c. And my Antipathy of the English Lordly Prelacy, &c. ch* 8. *where most of their words are quoted at large* b *Fox Acts and Monuments, vol.* 1, *p* 609, *to* 618, 622, 642, 653, 711, 514, *to* 522. *vol.* 2. *p.* 609, 610.

3ly. That many of our Kings by the Laws and Customs of the Realm, and by vertue of their Royal Prerogative have kept our Archbishops and Bishops Temporalties in their hands, and taken the profits of them as their Demesn rents, keeping their Sees when void by death, translation

tion or resignation for sundry years together; as * all the Archbishops, Bishops, Abbots, Priors, and Great-men of the Realm acknowledged, and ratified by their Oaths in their famous Recognition in the Great Council held at *Clarendon*, Anno Domini 1164. which these Presidents will abundantly evidence. In the year of Grace 653. after the death of *Honorius* Archbishop of *Canterbury*, that See continued void 18. months. *Anno* 669. after *Adeodatus* his death it remained void almost 4. years, *Anno* 690. after *Theodorus* his death it was kept void almost two years, and as long after *Tatwins* decease, *Anno* 734. After *Cuthberts* death *Anno* 758. it was vacant above one year. *Anno* 792. two years after *Bregwins* death, *Anno* 790. three years after *Lamberts* death, *Anno* 830. above one year after *VVilfreds* decease, *Anno* 958. almost three years after *Odo* his expiration, *Anno* 1089. four years after *Laufrankes* departure, *Anno* 1109. five years after *Anselmes* death, *Anno* 1136. two years after *VVilliam Corbel*, *Anno* 1151. three years after *Richard VVethershed*, *Anno* 1242. two years after St. *Edmond*, *Anno* 1270. as long after *Boniface*, *Anno* 1502. two years after *Henry Dean*, *An.* 1558. one year after Cardinal *Poole*, *Anno* 648. After *Paulinus* the first Archbishop of *York*, that See was kept vacant 20. (some say 30.) years, *Anno* 1114. sundry years after *Thomas* the second, *Anno* 1140. almost two years after *Thurstan*, *Anno* 1151. ten years after *Rogers* death, *Anno* 1213. four years after *Geoffry*, *Anno* 1255. thirteen months after *VValter Gray*, *Anno* 1303. after *Thomas* de *Corbridge*, above two years, *Anno* 1315. two years after *VVilliam* de *Greenfield*, *Anno* 1240. two years after *VVilliam* de *Melton*, *Anno* 1405. two yearrs and an half after *Henry Scroop*, an Arch-traytor beheaded for Treason, *Anno* 1423. two years after *Henry Bluet*, *Anno* 1449. almost four years after *John Kemp*, *Anno* 1464. two years after *VVilliam Booth*, al-

* *Cum vacaverit Archiepiscopatus, Episcopatus, vel Abbatia vel Prioratus, in Dom. Regis, esse debet in manu ipsius, & inde percipiet omnes redditus*, Sicut Dominicos redditus suos *Mat. Paris*, p. 96, 97. *Gervasii Chronicon.* col. 1285. 1286. *Hoveden, Holinshed, Speed, and others*, An. 1164.

a *Godwins Catalogue of Bishops*, p. 52, 53, 55, 56, 57, 58, 59, 76, 81, 83, 84, 111, 112, 114, 119 *See Malmesbury de Gestis Pontificum*, Beda, *Radulf de Diceto*, *Chron. Johan. Brompt. Gervas. Dorobern. Actus Pontif. Cant. Huntindon*, *Hoved. Antiq. Eccl. Brit. Mat. Westm. Mat. Paris*, *Walsing.* and others accordingly.

b *Godwin*, p. 559, 587, 598, 599, 607, 608, 623. *Tho. Stubs, Actus Pontif. Eber. Sim. Dunelm. Radulph. de Diceto, Malmesb. de Gest. Pontif.* l. 3. *Flor. Wigorn.*

most

most a full year both after Cardinal *VVolsie*, and *Edward* Lee, *Anno* 1559. after *Nicholas Heath*, two years, 1568. after *Thomas Young* above one year. Thus long have both our Archbishopricks been kept void, and their Temporalties held in our Kings hands to their own use, by vertue of their Prerogative Royal, without any Sacriledge, Injustice, Impiety, or any reall prejudice to Church or State.[a] *An.*619. after *Mellitus* Bp. of *London* his translation to *Canterbury*, that See continued void 32. years together, *An.*664. 2 years, *An.*1133.7. years after *Gilbert*, *Anno* 1187. after *Gilbert Foliot* above two years, *An.*1279. above one year after *Iohn* de *Chishul*, *Anno* 1303. almost two years after *Richard* de *Graneford*, *Anno* 1501. after *Thomas Savage* above two years. *Anno* 1171. after the death of *Henry* de *Bloyes*, the Bishoprick of *VVincheſter* was kept void above 3. years, *Anno* 1238. after *Peter de la Roch* five years, *Anno* 1243. after *VVilliam de Rawley* sixteen years, *Ethelmarus* by the Kings donation holding it nine years without consecration, *Anno* 1259. after *Henry de VVengham* six years, *Anno* 1492. after *Peter Coventry* above one year, *Anno* 1500. after *Thomas Langton* two years, *Anno* 1528. after *Richard Fox* two years, *Anno* 1530. after Cardinal *VVoolsey* almost 4. years, [b] *Anno* 1131. after the death of *Hervetus* first Bishop of *Ely*, that See was void above two years, *Anno* 1169. after *Negellus* the second Bishop five years, *Anno* 1197. after *VVilliam Longchamp* above one year, *Anno* 1214. after *Eustachius* above five years, *Anno* 1256. after *VVilliam de Rilkenny* above one year, *Anno* 1297. after *VVilliam de Luda* two years, *Anno* 1373. after *John Barnet* two years, *Anno* 1434. after *Philip Morgan* three years, *Anno* 1500. after *John Alcock* one whole year, *Anno* 1533. as long after *Nicholas VViſt*, *Anno* 1581. after *Richard Coxe* almost twenty years together, [c] *Anno* 1163. after the death of *Robert de Chiſney* the fourth Bishop of *Lincoln*, that See continued vacant almost seventeen years, *Geoffry* (*Henry* the second his base son) taking the profits thereof without any consecration, by the Kings Concession, *Anno* 1184. after *VValter de Conſtantiis* two years, *Anno* 1200. after St. *Hugh* almost

a *Godwin p.* 1 3, 184, 189, 190, 191, 196, 202, 224, 227, 229, 230, 244, 245, 247.

b *Godwin p.* 255, 256, 261, 262, 264, 265, 266, 275, 277, 279, 281.

c *Godwin, p.* 294, 295, 297, 308, 309.

most three years, *Anno* 1206. after *VVilliam de Breyos* three years, *Anno* 1290. after *John Russel* two years, *Anno* 1513. after *VVill. Smith* one year, [d] *Anno* 1085. the Bishoprick of *Coventry* and *Lichfield* was kept vacant two years after the death of *Peter*, and as long, An. 1127. after *Robert Peach*, as long, An. 1180. after *Guaccus Puella*, as long, An. 1208. after *Geoffry de Muschamp*, An. 1238. almost 3. years after *Alexander de Savenshy*, An. 1243. after *Hugh Pateshull* 2. years, An. 1386. as long after *Richard Scroop*, An. 1490. as long after *John Hosse*, [e] An. 1099. after *Osmond* his death, the second Bishop of *Salisbury*, that See was 8. years kept vacant, An. 1225. after *Richard Poore* 4. years, An 1270. 4. years after *VValter de la Vaile*, An. 1588. 3. years after *John Pierce*, 1596. 2. years after *John Cordwell*, [f] An. 1166. the Bishoprick of *Bath* and *VVels* upon the death of *Robert* continued void 8. years, 8. months, and 15. daies, An. 1242. after *Ioceline*, 2. years, An. 1262. after *VVilliam Burton*, An. 1503. as long; after *Oliver King*, An. 1547. as long; after *VVilliam Knight*, An. 1381. 3. years; after *Gilbert Barkely*, An. 1590. 2. years after *Thomas Godwin*, [g] An. 1103. the Bishoprick of *Exeter* after *Osbertus* decease was kept vacant 4. years, An. 1182. after *Bartholmeus Iscanus*, 2. years, An. 1119. after *VVilliam Herbert*, the last Bishop of *Thetford*, his death, that See (now *Norwich*) was kept vacant 2. years, 1214. after *John de Grey* it was kept vacant 7. years, 1222. after *Pandulfus* 3. years, An. 1236. after *Rodulphus* almost 3. years, and as long after *VVilliam de Raleigh*, An. 1240. after *Henry Spencer*, An. 1406. almost 2. years, [h] An. 1095. after the death of *VVolstan* Bishop of *VVorcester*, that See was kept vacant 2. years, An. 1113. as long after *Sampson*, An. 1123. almost as long after *Theulphus*, and An. 1179. after *Roger*, An. 1184. after *VVilliam de Northale* 5. years, An. 1198. after *John de Constantiis* two years, An. 1212. as long after *Maugere*, An 1373. as long after *VVilliam de Lyn*, An. 1417. as long after *Thomas Pondrell*, An. 1427. 7. years after *Thomas Polton*, An. 1590. 3. years after *Boniface Brent*, [i] An. 1056. the Bishoprick of *Hereford*, after *Leoneards* death

d Godwin, p. 317, 318, 319, 321, 322, 343, 347, 348.

e Godwin, p. 337, 338, 344, 345, 355, 356.

f Godwin, p. 364, 365, 368, 380, 383, 385, 386.

g Godwin, p. 396, 398, 420, 421, 429.

h Godwin, p. 439, 440, 444, 445, 446, 449.

i Godwin, 453, 454, 455, 456, 561.

death continued four years vacant, An 1127. after *Richard* above 4. years, An 1167. after *Robert de Melim*, above 6. years, An. 1539. after *John Skip* above 13. years, An. 1585. after *Herbert Wist* full 17. years, An. 1526. the Bishoprick of *Chichester* was void almost 4. years; after *John Reempale* his death, An. 1006. after *Richard Fitz-James* 2. years, An. 1235. the Bishoprick of [a] *Rochester* after *Henry de Sandfords* death was kept vacant 3 years, An. 1277. 2. years after *VValter de Merton*, An. 1316. after *Thomas de VValdham* 3 years, An. 1401. as long after *John Boltesham*, An. 1538. after *John Fisher* two years, An. 1557. the new created Bishoprick of *Oxford*, after the decease of *John King* first Bishop there, was kept vacant ten years; An. 1568. after *Henry Curwin* the second Bishop it was kept void twenty one years together, An. 1592. after *John Underhill* the third Bishop, it continued void 11. years, so little want was there of a Bishop in that poor See, An. 1559. the new created Bishoprick of *Glouceſter*; after *James Brooks* the third Bishop his death was kept vacant three years, An. 1578. as long after *Edmond Cheyney*, An. 1538. the new erected Bishoprick of *Bristoll*; after *Paul Bush* the first Bishop was kept vacant four years, An. 1578. three years after *Richard Cheyney*, which See continued void otherwise than by Commendam thirty one years together, An. 1593. it continued vacant ten years together. So little need was there of a Bishop in this See, [b] An. 1397. the Bishoprick of St. *Davids*; after *John Gilberts* death, was vacant four years, An. 1592. after *Marmaduke Middleton* almost two years. An. 1133. the Bishoprick of *Landaffe* upon *Urbans* decease was kept void six years, An. 1183. after *Nicholas ap Georgant* five years, An. 1240. after *Elias de Raynor* above four years, An. 1287. after *VVilliam de Brews* nine years, An. 1213. the Bishoprick of *Bangor* after *Robert* of *Shrewsbury* was kept vacant two years, An. 1374. as long after *John Gilbert*, An. 1378. after *John Swaffham* twenty years, An. 1266. after *Amanus* the first Bishop of *Bangor*, that See was vacant two years, An. 1313. after *Lewelin* six years, An. 1406. after *John Trevour* five years,

[a] *Godwin*, 484, 485, 486, 487, 488, 452, 496, 501, 502.

[b] *Godwin*, 512, 514, 530, 536, 558, 547, 549, 531.

[g] *Mat. West. An. 1020. p. 403. Godw. p. 934, 644, 647, 651, 652, 653, 656, 667, 671, 685, 686.*

An. 1439. after *Robert* five years, [g] An. 1017. after *Aldhunus* of *Durham*, that See continued void above three years, An. 1096. as long after *William Carlapho*, An. 1140. after *Geoffry Rufus* above five years, An. 1207. after *Philip* of *Poytiers* above ten years, An. 1226. above two years, the King threatning the Covent that they should have no Bishop in seven years, An. 1237. after *Richard Poore* two years, till *Ethelmate* his half Brother (whom he commended to the Monks election) should be of age, An 1505. after *William Severus* two years, An. 1587. after *Richard Barnes* almost two years, An. 1577. the Bishoprick of *Chester* was kept vacant two years.

If then all our Bishopricks in several ages (to omit the long vacancies of later times) have been thus kept void, 2, 3, 4, 5, 6, 7, 8, 10, 15, 17, 20, & 30. years or more together at divers times (to omit all annual vacancies) without any prejudice to the Church or State, and with very great benefit to the Kings of *England*, who enjoyed the Temporalties in the mean time; then certainly Diocæsan Bishops are no such necessary Creatures of divine institution in the Church of Christ as some esteem them, but that they may be spared, and their Lands, Temporalties sold or leased, as well as thus seised by our Kings without Sacriledge or Injustice, when as no Parish Churches can spare or want their Parochial Ministers who are of Gods institution, above six months at most. [h] After which if the Patron present not in the *interim* an able and sufficient Clerk the Ordinary by the Canon & Common-law may collate, and sequester the profits in the mean time, only to defray the officiating of the Cure, which must be at no time intermitted or neglected because of Divine institution, and so absolutely necessary both for the Peoples instruction and salvation, which these long vacancies prove Diocæsan Bishops are not.

[h] *Rastal Advowson 1, 2, Concil. 5. Lateranense, 2 Can. 29. Summa Angelica Beneficium. Sect. 31. Summa Rosella Beneficium, 1.*

4ly. That as our Bishops, Abbots, Priors, * *did origi-*

* *Ingulphi Hist. p. 896, 908, Eadmerus Hist. l. 2, 3, 4. Malmesbury, De Gestis Pontificum, c. 1. Antiqu. Eccles. & Godwin in Euseb. Spelman. Glossarium, Tit Fidelitas, Homagia Ligeum & Investitura; and the first part of my Brief Register and Survey of Parliamentary writs, p. 195, to 207. where it is largely proved. Chron. Iohannis Brompton, p. 1038, 1039. Cooks 1. Instit. p. 64, 65.*

nally

nally for ſome hundreds of years receive their actual Inveſtitures into their Churches Temporalties from the King alone, *per Annulum & Baculum*, by a *Ring* and *Paſtoral ſtaff*; delivered to them in nature of a Livery and ſeiſin, extorted from our Kings by the violence and tyranny of Pope *Urban* and *Paſcal* the 2. and Treaſon of Archbiſhop *Anſelme*, againſt the *Right of the Crown, and Cuſtom of the Realm*; ſo they did likewiſe hold all their *Baronies* and *Temporalties from*, *ſwear Fealty*, and *do Liege Homage to our Kings for the ſame as their Supream Liege Lords*, like other *Barons*, and were as *far forth reſponſible for them to the Kings Juſtices and Miniſters*, *as Lay-Barons and Tenants were*; which they all acknowledged in their Recognition to King *Henry* the ſecond, in the Council of *Clarindon* as our * Hiſtories aſſure us; and were lyable to forfeit them for their Treaſons, Rebellions, Diſloyalties and Contempts againſt the King and his Crown, as well as Lay-men, our Kings being alike Soveraign Lords and Kings to them, as well as other Subjects and Tenants; and that *Iure Domini*; as their Supreme *Landlords* and *Patrons*, from, by and under whom alone they held their Temporalties.

* Mat. Paris, p. 96, 97.

5ly. That the Kings of *England* as *Supream Heads* and *Governours* under Chriſt of the Church of *England*, have in all ages enjoyed and exerciſed a Soveraign Power and Juriſdiction over all *Archbiſhops*, Biſhops, Deans, Chapters, *Abbots*, Priors, and other Eccleſiaſtical Perſons in all Cauſes whatſoever; as well as over their Temporal Subjects, *to viſit, reform, order, correct, reſtrain, amend, puniſh* all their Errors, Hereſies, Offences, Contempts, Enormities, Treaſons, Rebellions againſt their *Perſons*, *Crowns*, *Dignities*, *and Royal Authority puniſhable by any Spiritual, Eccleſiaſtical or Temporal Authority or Juriſdiction, and to puniſh their Perſons by impriſonments, baniſhments, death, ſeiſure, ſequeſtration, confiſcation of their Temporalties*, *Biſhoppricks*, real and perſonal Goods and Eſtates, as is enacted by the ſeveral * *Statutes* againſt *Proviſors*, and the expreſs Statutes of 25 H. 8. c. 19, 21. 26 H. 8. c. 1, 3. 27 H. 8. c. 10. 28 H. 6. c. 7. 10. 31 H. 8. c. 14. 32 H. 8. c. 22, 24, 26.

* *See Raſtals Abridgement, Title, Proviſion and Præmunire, & Rome.*

33 H. 8. c. 29. 34, & 35 H. 8. c. 17, 19. 37 H. 8. c. 17. 1 Ed. 6. c. 2. 1 Eliz. c. 1. 5 Eliz. c. 1. 8 Eliz. c. 1. 13 Eliz. c. 12. and other *Acts*; The several Writs *De Excommunicato capiendo*, *De Excommunicato deliberando*, *De Cautione admittenda*, * *Quare impedit*, *Quare incumbravit*, *Quare non admisit*, *Quod Episcopus admittat*, *Ne admittas*, *Ne exeas Regnum*, *Vi lacca removenda*; and especially by the several Writs of *Prohibition*, and *ad Jura Regia*, and *Capias pro contemptu*, wherewith our Records and Law-books are full fraught; I shall only recite some memorable Presidents of our Kings and Parliaments proceedings against our Archbps. & Bishops in seising their temporalties, confiscating their Estates, banishing them the Realm, suspending from, and depriving them of their Bishoprieks, yea in imprisoning, executing their Persons for their rebellions Treasons, Conspiracies, Contempts against them, and their Royal Prerogatives in former ages, worthy their and our most serious consideration, and remembrance.

* *Register of writs, pars 2. p. 20, to 70. Fitz. Nat. Brev. and in the Clause Rolls.*

To begin with our *Archbishops*, about the year of Christ, 765. [a] *Offa* King of *Mercians* being highly offended with *Jambertus* (or *Lambert* as some stile him) *Archbishop* of *Canterbury* for his oppositions against him, seised and took away all his Temporalties within his Kingdom, detaining some of them to himself, and giving the rest of them to his Souldiers and Courtiers; and moreover by the Popes consent, erected a new *Archbishoprick* at *Litchfield*, took away six Bishopricks formerly subject to the See of *Canterbury*, and detained the Lands above thirty years, till at last restored by the judgement of two or three Parliamentary Great Councils, after many Petitions and Complaints, upon full hearing and examination. [b] *Stigand Archbishop* of *Canterbury*, for refusing to Crown

a *Will. Malmesburiensis de Gestis Pontif, l. 1. c. 4. Mat. Westm. An. 765, 766, 767, 797. Evidentiæ Ecclesiæ Cantuar. col. 1212, 1213, 1214. Spelmanni Concil. Tom. 1. p. 318, to 334. Antiq. Eccles. Brit. p. 26, 27, 28. Godwin in the life of Jambert. Chron. Will. Thorn, col. 1774.*

b *Eadmerus Hist. Novor l. 1, 2. Malmesbur. de Gestis Regum, l. 4. De Gestis Pontif. l. 1. p. 204, 205. Chron. Johan Brompton, col. 962, 968. Gervasius Dorob. Actus Pontif Cant. col. 1652, 1655. Radulfus de Diceto Abbreviationes Chron. col. 412, 490. Henr. de Knighton de Event. Angliæ. l. 2. c. 2. Polychronicon. l. 7. Mat Paris, p. 12, 14. Mat. Westm. An. 1070, 1088, 1089. Hoviden. Annal. pars prior, p. 453 Antiq Eccles. Brit. & Godwin in Stigand & Lanfranc. Holinsh. Speed, Grafton, Daniel. An. 1070.*

King

King *William* the Conqueror, and holding the Bishoprick of *Winchester* in *Commendam* with his *Archbishoprick*, together with many other Bishops and *Abbots* was deprived by the Kings procurement, and kept Prisoner at *Winchester* during his life, receiving only a small allowance out of the Exchequer to support him; dying in Prison; his Bishoprick remained void two years space in the Kings hands, no lesse than twenty five Manors being taken away from it, till recovered by *Lanfranc* his Successor, in a famous Council of the Nobles and Elders of *England* held at *Penindene*. (c) King *William Rufus* banished *Anselme* Archbishop of *Canterbury* out of the Realm for Treason, against him and his Soveraign Power, and seised his Temporalties till his death; after which King *Henry* the first recalling him, he most trayterously and obstinately oppugned the Kings Prerogative of investing Bishops in their Bishopricks by a Ring and Pastoral-staff, and refusing to do homage to the King, or to consecrate any Bishops who received Investitures from him, or did Homage to him; for which he was banished for three years out of the Realm, all his Temporalties and Goods moveable and immoveable seised into the Kings hands, with the Temporalties & Goods of those Bishops who renounced their Investitures by the Kings donation by *Anselmes* perswasion. King *Stephen* seised all the Goods and Temporalties of [d] *Theobald* Archbishop of *Canterbury*, and banished him the Realm, for departing out of *England* to *Rome* upon the Popes summons, contrary to his expresse royal Prohibition; and for interdicting the King and whole Realm. After which being restored to his Archbishoprick by

c *Eadmerus Hist. Nov. l.* 2, 3, 4, 5. *& vita Anselm. Malmesbur. De Gestis Pontif. l.* 1. *p.* 219, *to* 230 *Mat Westm. & Hoveden An.* 1102, 1104, 110[illegible]. *Mat Paris, p.* 56, 57, 6[illegible]. *Radulphus de Diceto. Abbrev. Chron. fol.* 494, 495, 496. *Chron. Johannis Brompton. col.* 999. *Gervasius Dorobern Actus Pontific. Cant. col* 1658, 1659. *Antiqu. Ecclesiæ Britt. & Godwin in Anselm. Mr Tyndals practise of Popish Prelates, p.* 374 *Holinshed, vol.* 2. *p.* 22, *to* 36. 469, 472. *Speed p.* 462, *to* 473. *Fox Acts and Monuments, p.* 169, 170.

d *Neubrigensis, l.* 1. *c* 10. *Radolfius de Diceto Abbrev. Chron. col* 509. *Gervasius Dorobernensis, col.* 1330, 1362, 1371, 1666. *Antiqu. Eccles. Brit. l.* 117, 118. *Holinshed. vol.* 3 *pt* 57, 59. *Godwins Catalogus p.* 85, 86. *Speeds History, p.* 496, 497.

by the other Bishops mediation, his Goods and Temporalties were again confiscated and seised into the Kings hands, *Anno* 1152. for refusing to Crown *Eustace* King *Stephens* Son, & he forcedto flye the Realm, which he caused to be infested with fire, sword, and bloudy wars. [e] *Thomas Becket* Archbishop of *Canterbury*, an infamous perjured Traytor to, and Rebel against King *Henry* the second his (advancer and indulgent Soveraign) grand Oppugner of his Royal Prerogatives, and of the Customs of the Realm, contrary to the Oath and Recognition of himself and all the Bishops, Clergy, and Temporal Lords, in the famous Great Council of *Clarindon*, endeavouring totally to exempt the Clergy from all Temporal power, jurisdiction, and judicature, for the most detestable Crimes and Murders, had all his Goods and Moveables by judgment of the Bishops and Peers condemned and confiscated to the King, his Temporalties seised into the hands, all his Moneys, Jewels, Plate, confiscated together with all the Clergy-mens goods who adhered to him; [f] all his Kindred, Man, Woman, and Child secured, and afterwards banished the Realm, together with himself, for sundry years; and was at last slain in the Cathedral Church at *Canterbury*, for his manifold Treasons & Rebellions against the King, to the great disturbance both of the Churches and Kingdoms peace. [g] King *John An.* 1205. seised upon all Archbp. *Huberts* Lands and Possessions after his death, for his manifold Contempts and Oppositions against his Royal authoritie and resolutions during his life. [h] *Stephen Langhton* his next Successor in the Archiepiscopal See of *Canterbury*, for his manifold Treasons and Rebellions against King *John*, had

e *Mat Westm. An.* 1186. p. 48, 49, 59. *Mat. Paris*, p. 94, to 127. *Hov. Annal. pars poster.* p. 491, to 531. *Chron. Gervasii Dorobern col.* 1283, to 1289. *Radulphus de Diceto, Ymagines Hist. col.* 537, 543, 545, 547. *Herbertus & Johannes Carnotensis in vita ejus, Gul. Neubrigensis, Hist l.* 2. c. 16. *Antiqu. Eccles. Brit. p.* 118, to 124. *Holinshed, p.* 69, to 81. *Godwin, p.* 86, to 96. *Fox Acts and Monuments, p.* 186, to 206. *Speeds History, l.* 503, to 516.

f *Mat. Paris, p.* 264 *Antiqu. Eccles. Brit. p* 144. *Holinshed, p.* 169. *Speed, p.* 565.

g *Mat. Paris Histor. p.* 261. *Antiqu. Eccles. Brit. p.* 144. *Holinshed, p.* 169. *Speed p.* 565.

h *Mat. Paris, p.* 213, to 278. *Mat. Westm. An.* 1207, to 1214. *Mr. Tyndals practise of Popish Prelates p.* 374, 375. *Dr. Barns his Supplication to King Henry* 8. *p.* 189. *Fox Acts and Monuments, p.* 226, to 234. *Antiqu. Eccles. Brit & Godwin in Stephen Langhton, Polychronicon, Fabian, Holinshed, Grafton, Speed in Hen.* 3.

had all his Temporalties and Goods ſeiſed by the King, and was ſuſpended from his Archbiſhoprick, and threatned to be deprived of it by the Pope. [*i*] Archbiſhop *Bonifaee* being commanded by King *Henry* the third to relinquiſh his Archbiſhoprick, and depart the Realm, by reaſon of the grievous Complaints both of the Clergy and Commonalty againſt him, thereupon felled his Woods, leaſed out his Lands, extorted what moneys he could from his Tenants, and carried all with him in to *Savoy*, where he dyed. [*k*] King *Edward* the firſt, *Anno* 1301. put *Robert Winchelſie* Archbiſhop of *Canterbury*, with all the other Biſhops and Clergy out of his Protection, and the Parliament Houſe, and ſeiſed the Archbiſhops Temporalties, Goods, Debts. After which divers High Treaſons, and Rebellious Conſpiracies were laid to his Charge by the King; who thereupon the ſecond time ſeiſed all his Temporalties and Goods moveable and immoveable, appealed him to the Pope, baniſhed him the Realm, forbidding any of his Subjects under grievous penalties to harbour him; and ſeiſed all the Lands of the Monks of *Canterbury*, and baniſhed them the Realm, for furniſhing this Arch-traytor ſecretly with neceſſaries. [*l*] King *Edward* the ſecond cauſed all the Goods of *John Stratford* Archbiſhop of *Canterbury* to be ſeiſed, and his Temporalties to be ſequeſtred into his hands, whiles Biſhop of *Wincheſter* for taking that Biſhoprick by Proviſion from the Pope, againſt his Royal command. After which being advanced to *Canterbury* by King *Edward* the third, he was ſoon after accuſed of Treaſon, Treachery and Conſpiracy with the *French* and Pope againſt the King, whoſe deſigns againſt them he croſſed

i *Mat Paris, Mat. Weſtm. Holinſhed in H. 3 Antiqu. Eccleſiæ Brit p. 191. Godwin, p. 114, to 119.*

k *Mat. Weſtm. An. 1294, 1295, 1296, 1300, 1301, 1305, 1036. Walſingham Hiſt. Angl. p 34, 35, 46, 63 Antiqu. Eccleſ. Brit p. 209, to 213. Holinſhed, p. 301, 302, 313. Godwin p. 125, 126, 127. Fox Acts and Monuments, p. 320, 321, 337. Biſhop Jewels defence of the Apology, part 6. c 2. p. 521, 522. Cromptons Juriſdiction of Courts, f. 19.*

l *Walſingham Hiſt. Angl. p. 136, to 147. Antiqu. Eccleſ. Brit. p. 236, to 258. Fox Acts and Monuments, p. 349, 350, 409. Godwin, 132, to 137. Speed, p. 699. Holinſhed, p. 161.*

sed all he could; whereupon the King resolved to commit him Prisoner to the Tower of *London*, whither he sent the Bishop of *Chichester*, then Lord Chancellor, and the Bishop of *Lichfield* then L. Treasurer Prisoners for the like offences. Whereupon this Archbp. flying to *Canterbury*, and there standing on his Gard, refused to render himself, carrying himself very insolently and rebelliously against the King both in his Sermons and Excommunication; saying, *That he had received no honor nor advancement from the King, but ONLY FROM GOD, and that he would give an account of his Actions in no Court, and to no Person but in Parliament*; Whereupon a Parliament was summoned, and divers hainous Crimes charged against him by the King; which the King after great suit and intreaty pardoned. [m] *Simon Langham* Archbishop of *Canterbury*, Chancellor of *England*, *Anno* 1371. was put from his Office, his Temporalties seised, and stripped of all his Archiepiscopal ensigns, for receiving from Pope *Urban* the Cardinalship of St. *Sixtus* without King *Edward* the third his privity, who was highly offended with him for it. *Anno* 1386. [n] *Simon Sudbury* Archbishop of *Canterbury* in the insurrection of *Jack Straw* was beheaded on *Tower-Hill*, his Head fixed on a Poll and set on *London Bridge*, as a Traytor and Enemy *to the King and People*. [o] King *Rich.* the 2d. highly offended with *Will. Courtney Archbishop of Canterbury*, *for receiving his Archbishoprick by provision from the Pope, against the Law and his Prerogative Royal, and for other Misdemeanours, commanded all his Goods and Temporalties to be seised*, and forced the Archbishop himself to hide his Head for fear of imprisonment, till he made his peace with him.

m *Walsingham Hist. Angl. p.* 181 *Ypodigma Neustriæ p.* 132. *Antiqu. Eccles Brit. p.* 275, to 282. *and Godwin in his life.*

n *Walsingham p.* 261, 262, 263. *Ypodigma, p.* 139. *Antiqu. Eccles Brit. p.* 283, to 295. *Godwin, p.* 102, 203 *Graftons Chron. p* 336.

o *Antiq Eccles. Brit p* 196, to 300. *Holinshed, p.* 475, 476.

him. [p] *Thomas Arundel* Archbishop of *Canterbury* was impeached and condemned of High Treason against the King in the Parliament of 21 *Rich.* 2. by judgement of Parliament; for which he was ordered to be banished the Realm, his Temporalties seised, his Lands and Goods forfeited. [q] *Thomas Cranmer* Archbishop of *Canterbury*, was committed Prisoner and impeached, convicted of High Treason against Queen *Mary*, for aiding the Usurper Queen *Jane* against her, and his Goods and Temporalties seised. [r] *Edmond Grindon* Archbishop of *Canterbury* falling into Queen *Elizabeths* displeasure, was suspended from his *Archiepiscopacy* by her order till his death. [s] Archbishop *Abbot* for killing his Keeper by Chance-medly in shooting at a Buck, was suspended from his *Archiepiscopal* Jurisdiction by King *Charles* the first for sundry years, and his *Archiepiscopal* Jurisdiction, power delegated to others. *And* [t] *Will. Laud* the last *Archbishop* of that See, in the Parliament of 16 *Caroli*, was impeached of sundry High Treasons and high Misdemeanours against the King and Kingdom, by the Commons of *England*, and *Scots* Commissioners; for which he was upon full Tryal and Hearing, imprisoned, atttainted, condemned and beheaded on *Tower-hill*, his Goods and Temporalties sequestred, seised, sold by Judgment and Ordinances of both Houses of Parliament.

To these numerous Presidents of the *Archbishops* of *Canterbury*, I shall annex some paralel ones of the *Archbishops* of *York*.

[u] *Wilfred Archbishop of York* for his Treason in favouring and aiding the rebellious *Danes*, and perswading Queen *Ermenburga*

p *Rot. Parl. An.* 21 *R.* 2. *n.* 15. 10 17. *Exact Abridgement of the Records in the Tower, p.* 368. 1 *H.* 4. *Rot. Parl. n.* 33, 48. *Walsingham Hist p.* 397, 403. *Polychron. l. ult. c.* 8. *Holinshed, p* 488, *to* 514. *Antiq. Eccles. Brit. p.* 303, *to* 311. *Godwin, p* 152, *&c. Fox Acts and Monuments p.* 533. *&c. Grafton, p.* 390, 391. *Trussel. An.* 21 *R.* 2.

q *Holinshed p.* 1091, 1093. *Cromptons Jurisdiction of Courts, fol.* 12, *Fox, vol.* 3. *Antiqu. Eccles. Brit. and Godwin in his life*

r *Continuation of Holinshed, p.* 1322, *to* 1329. *Martins Chronicl. p.* 654, 655.

s *See Sandersons History of King Charles the first, and Sir George Paul in his life.*

t *See my Canterburies Doom, the Parliaments Journals, and A Collection of Ordinances.*

u *Will. Malm. de Gestis Pontif. l.* 3 *p.* 260, *to* 166 *Mat. Westm. An.* 871. *Florentius Wigornienses, An.* 677, 691. *Thomas Stubs, Acta Pontif. Eboracensium, col.* 1691, 1741. *Simeon Dunelm. Hist c.* 9 *&* 10 *Epistola de Archiepiscopis Ebor. col.* 78. *Richardus Hagustaldensis Hist. c.* 8. *col.* 294. *Radolfus de Diceto, Abbrev. Chronicorum, col.* 440. *Chron. Johannis Brompton, col.* 792. *Antiqu. Eccles. Brit. p.* 4, 10 19, 74. *Holinshed History of Britain l.* 5. *c.* 34, 35, 36 *l.* 2. *c.* 2. *Godw. Catalogue of Bishops, p.* 560, 561, 562. *Hen. Spelmanni Concil. p.* 146, 147, 149. 157, 161, 162, 163, 178, 179, 200, *to* 206.

to desert her Husband the King, was by King *Egfreds* prosecution twice condemned and deprived of his Archbishoprick in two several Councils, his Temporalties and Goods seised, his Person imprisoned, his Archbishoprick divided into two or three more Bishopricks, and himself exiled, some write for ten, others for eight years together, till at last with much importunity & many Letters from the Pope & others, he was restored to his See. [n] *Wolstan* Archbp. of *York*, for his hainous Treason in deserting his natural Christian King *Edgar*, against his Oath, Allegiance, Piety, Function, Christianity, and adhering to the invading heathen *Danes*, who wasted the Country, and endeavoured to rout out the Christian Religion; and for murdering divers Citizens of *Hertford*, was deprived of his Bishoprick, and imprisoned by the King for a year; and at last murdered himself.

[o] *Turstan* Archbishop of *York* for receiving his consecration from the Pope at the Council of *Rhemes*, against King *Henry* the first his expresse command, and his own Oath and Faith to the King, was banish'd the Realm, his Temporalties seised by the King for five years space, and he hardly permitted to return into *England*, after many mediations and menaces of the Pope in his behalf. [p] *Geoffry Plantaginet* Archbishop of *York* for breaking his Oath with King *Richard* the first, was kept from his Temporalties, and imprisoned by *William Longchamp*. After this, *Anno* 1194. upon several complaints against him in Parliament, for hindering the Kings Officers to gather a Tax in his Diocesse, and sundry contempts against King *John*, his Lands and Goods were seised, and returned into the Kings Exchequer

n Malmesb de Gestis Pontif. l. 3. p. 269. Mat. Westm. Grafton, Roger Hoveden, and Florentius Wigornienſis, An. 951, 952, 953 Thomas Stubs, col 1699. Holinshed Hist. of England, l. 6. c. 23. p. 158. Godwins catalogue, p. 567.

o Eadmerus Hist Novor. l. 5, & 6. Malmesbury de Gestis Pontif. l. 3. p. 274. 275. Polychronicon, l 6. c. 15. Simeon Dunelmensis Hist. col. 141 Chronicon Johannis Brompton col. 1008. Gervasius Dorob. Actus Pontif. Cantuar. col. 1661. Thomas Stubs, Actus Pontif. Eboracensum, col. 1715. Antiqu Eccles. Brit. p. 112, 113. Godw. Cat p 579, 580. Holinshed, p. 41, 42, 49.

p Gul. Neubrigensis Hist. l. 4. c. 17. Mat Paris, p 146, 147, 212, 222, Mat. Westm. Anno 1207. Chronicon Johannis Brompton, col. 1166, 1169, 1171. Thomas Stubs, Actus Pontif. Ebor. col. 1724. Hoveden in Ricardo 1. & Johan. Holinshed, p. 143, 147. 163, 170. Godw p 587, 588.

chequer by the Sheriff of *York-shire* by the Kings command; for which he excommunicating the Sheriff, was suspended his Bishoprick, and forced to pay a Fine of 1000 *l.* for his restitution. After which, for excommunicating those who collected a Tax for the King, he was banished the Realm, and his Temporalties seised for above five years time; the See being kept void above ten years space in the Kings hand, when he was first made Archbishop. [q] *Thomas Corbrig* Archbishop of *York* for obeying and preferring the Popes commands before the Kings, in admitting the Popes Clerk to the Chapel of St. *Sepulchres* in *York*, and rejecting the *Kings*, about the year 1300. had for this his *contempt three Baronies, antiently belonging and annexed to his Archbishoprick, taken away and kept from him by King Edward the first*, during the *Archbishops* life, without restitution. [r] *Alexander Nevil* Archbishop of *York* was attainted of High Treason in the Parliament of XI. King *Richard* the second, his Temporalties and Estate seised, and his Person adjudged to perpetual imprisonment in *Rochester* Castle; who flying the Realm, Pope *Urban* made him Archbishop of St. *Andrews* in *Scotland*; but the *Scots* refusing to own his Papal Authority, he was stripped of both Archbishopricks, and forced to live a poor Parish-Priest in *Lovain* till his death. [s] *Richard Scroop* Archbishop of *York* was condemned and beheaded for *High Treason* against King *Henry* the fourth, and all his Temporalties, Monies, Goods seised and confiscated to the King *An.* 1405. [t] *George Nevil* Archbp. of *York* (Brother to *Henry Nevil* the Great Earl of *Warwick*) a perfideous Traytor both to King *Edward* the 6th. and *Edward* the 4th.

q Thomas Stubs, Actus Pontif. Ebor. col. 1729. Godwins Catalogue, p. 597, 598.

r Walsingham Hist. Angl. p. 354, 368. Grafton, p. 458, 460, 463, 464. *Speed* p. 748, 749. Trussel, Godwins Cat. p. 601, 602. 11 R. 2. c. 1. 6, 7.

s Walsingham Hist. Angl. p. 416, 417. Ypodigma Neust, p. 168, 170. Polychronicon, l. 8. c. 10. f. 326. Caxton part 7. 430. Fabian, an. 6 H. 4. Halls Chronicle, part 1. f. 25. Holinshed, p. 522, 529, 530. Speed Hist. l. 9. c. 14. p. 775. Stow, Martin, Grafton, Baker, *in* 6 H. 4. Godw. p. 604, 605, 606.

t Halls Chronicle, Anno 8, & 12 E. 4. f. 201, 202, 223, 224 Holinshed, p. 683 690. Grafton, f. 678, 714. *Speed*, l. 9. c. 17 p 887. Godw. p. 609, 610, 611.

in the year 1472. was arrested of High Treason at *VVindsor* by King *Edward* the 4th. all his Plate, Money, and other movable Goods (to the value of 20000 *l.*) seised for the King, together with a Miter of inestimable value, by reason of the many rich stones adorning it, which the King broke and made a Crown thereof for himself; the profits & temporalties of his Bishoprick were taken into the Kings hands for above 4. years space, and himself long imprisoned at *Calis* & *Guisnes* for his Treason against the King. (*a*) Cardinal *Thomas Wolsie* Archbishop of *York* (a most insolent, proud, ambitious, covetous Prelate) for his manifold misdemeanours, Oppressions, and high crimes against the King, kingdom, people, and Kings royal Prerogative, was first attainted in a *Præmunire* An. 21 H. 8. whereupon the K. seised all his Goods, and took away the Great Seal from him. After which the Lords and Parliament exhibited sundry Articles of High Treason and other Misdemenours against him. Upon which by the Kings command he was arrested at *Cawood* of High Treason by the Earl of *Northumberland* in *November* 1536. his Plate, Goods and Temporalties seised, himself caried Prisoner towards *London*, with intent to bring him to the *Tower*, to be further proceeded against; to avoid which infamy, he poysoned himself with a strong Purgation, whereof he died at *Leycester* Abby, after which the King seised all his Lands and Manors, though a Cardinal and Archbishop.

a *Mr. Tyndals practise of Popish Prelates, p 369, to 376. Halls Chronicle, 21 H 8. f. 184, 185, 189, 190. Antiqu. Eccles Brit. 355, to 377. Fox Acts & Monuments, p. 899, to 909. Holinshed, p. 835, to 930. Hall, Grafton, Stow, Martin, Baker, and others in 21, & 22 H 8. Godwin, p. 620, to 623. See the Articles against him in Cooks 4. Institutes, ch 8. p. 89, to 98.*

To these Presidents of the Archbishops of *Canterbury* and *York*, I shall annex the like of some other inferiour Bishops. (*b*) *William de sancta Maria* Bishop of *London*, for interdicting the whole Realm, and excommunicating King *John*,

b *Mat. Westm An. 1208 p. 86, &c. Mat. Paris p. 217. 218, 224. Polychron. l. 7. c. 33. Fabian, pars 1. An. 1205. p 18. Holinshed, p. 171, 172. Martins Chronicle, p. 40. 47, 48. Godwin, p. 194. Henry de Knyghton, De Event. Ang. l. 2. c. 14.*

Iohn, together with *Edward* Bishop of *Ely*, and *Maugerus* Bishop of *VVorcester*, who concurred with him in this interdict and excommunication to gratifie the Pope, had all their Goods and Temporalties seised upon by the King, *Anno* 1201. their Castles demolished, and themselves banished the Realm for five years space. (c) *Fulco Basset* Bishop of *London*, a great Stickler for the Pope against King *Henry* the third, whom he oft affronted; confessed the King and Pope might take away his Bishoprick, his Miter, and Crosier, but not his Helmet and Sword, wherein he most gloried and confided. (d) *Henry Sandwich* Bishop of *London*, against his corporal Oath of Fealty and Homage to King *Henry* the third, was a prime Stickler in the Barons wars against this King, and Promoter of the Articles of *Oxford* in the forty second year of his Reign, which took away his just Regal Power and Government of the Realm, and delegated it to twelve Commissioners; which Articles all the Bishops consented unto and sealed with their Seals, and this Bishop amongst the rest; for which in a Council held at *VVestminster* he was suspended both from his Episcopal Office and Bishoprick, which were sequestred into the Kings hands. (e) *Edmond Bonner* Bishop of *London*, a grand Persecuter and Burner of Gods true Saints, yea a bitter Enemy to King *Edw.* the 6th. and Queen *Elizabeth*, was twice deprived of his Bishoprick for his Contempts and Misdemeanours, once in King *Edward* the 6th. his Reign, and again in the first year of Queen *Elizabeth*, for refusing the Oath of Supremacy and Allegiance, and murthering so many Protestants under Queen *Mary*; and by Authority of the Queen and Parliament committed

c *Mat Paris*, p. 186, 887, 944, 957. *Godwin*, 194, 125.

d *Mat. Westm.* An. 1259, 1165, 1296. p. 182, 330, *to* 344. *Mat. Paris*, p. 961, 970. *Godwin*, p. 196. *Holinshed*, p. 171. *Speed*, p. 641.

e *Fox Acts and Monuments*, 1641. *vol.* 2 p 215, 378. 379, 380, 350, 554. 672, *to* 699. *vol.* 3. p. 105, 106, 107, 251, *to* 284, 759, 879, 878, 974. *Martins Hist.* p. 453. *Holinshed*, p. 1259, 1260. *Godwin*, p. 144.

mitted Prisoner to the Marshalsee among Rogues, where he died amongst Rogues and Murderers, and was buried at midnight in obscurity. (*a*) *Wina* Bishop of *VVincheſter*, so highly offended *Kenewalchus* King of the West Saxons who advanced him, that in the year 666. he drave him out of his Country, and deprived him of his Bishoprick. About the year of Christ 1107. (*b*) King *Henry* the first was so far incensed against *VVilliam Gifford*, whom he had formerly invested in the Bishoprick of *Wincheſter* by the delivery of a Ring and Crosier, for renouncing this his Investiture, and refusing his Consecration out of fear to displease Archbishop *Anselm*, that he seised his Temporalties, and banished him the Realm. (*c*) *Henry de Bloys* Bishop of *VVincheſter*, against his Oath of Fealty and Allegiance to Q. *Maud*, dis-inherited her of the Crown, and set up K. *Stephen* in her stead; who not long after falling out with this Bishop, seised all his Castles; whereupon he revolted to *Maude*, and procured a Pall from the Pope, to be made Archbishop of *VVincheſter*, and to have seven Bishopricks annexed to his Province. (*d*) *VVilliam Raley* Bishop of *VVincheſter* for excommunicating the Maior, Citizens, and Monks of *VVincheſter* for obeying King *Henry* the third his Edict, not to give *him* or *his* any *victuals* or *lodging*, and interdicting the Cathedral there, was forced to fly the Realm, and relinquish his Bishoprick, till by Archbishop *Boniface*, and the Popes mediations (which cost him a gratuity of 6000 *l.*) he made his peace with the King. (*e*) *Ethelmar* Bishop of *VVincheſter*, caused the Barons assembled in a Parliamentary Council at *Oxford* to take up Armes against him for his intollerable

a *Mat. Weſtm*, An. 666. p. 234. *Godw.* p. 132, 160.

b *Mat. Weſtm.* An 1102, 1107. p. 212, 219. *Godw.* p. 169, 170. *Holinſhed*, p. 30.

c *Will. Malmesb. Nov. l.* 1, & 2. p. 178, to 194. *Roger Hoveden Annal. pars prior*, p. 481, 482. *Mat. Paris*, p. 71, to 76. *Mat. Weſtm. An.* 1135, to 1150. *Gul. Neubrig Hiſt. l.* 1 c. 9, to 21. *Holinſhed*, p. 54. *Godw.* p. 92, 222, 223. *Speed*, p. 483, 484, 493, 494. *Fox Acts and Monuments*, p. 181.

d *Mat. Weſtm. An.* 1243, 1244. p. 174, 175, 178, 179. *Mat. Paris* p. 788, 589, 616, 619. *Holinſhed*, 231, 232. *Godw.* p. 227, 228.

e *Mat. Paris*, p. 774, 775, 780, 788, 789, 794, 824, 830, to 834, 847, 890, 900, 904, 905, 946, 959. *Additamenta* p. 215. 219. *Mat. Weſtm. Holinſhed, Daniel, Speed, Graſton in* H. 3. *Godwin* p. 176. 177.

tollerable Insolencies, Tyrannies, Exorbitancies, Oppressions, and to drive him out of the Realm; who seising on all his Goods and Treasure they could meet with, writ Letters and sent Agents to *Rome* to stop his return into *England*, which neither the King, Lords, nor Commons would permit upon any Letters or sollicitations from the Pope on his behalf to King *Henry* the third, and the Lords. (*a*) *John Gernsey* Bishop of *VVincheſter* was excommunicated by the Popes l egat, his Temporalties seised, and he forced to fly to *Rome* for an absolution, for taking part with the Barons against King *Henry* the third, subscribing and ratifying with an Oath the Antimonarchical Provisions of *Oxford* in derogation of the Kings Royal Power and Government, against his Oath and Allegiance to the King. (*b*) *Henry VVoodlock* Bishop of *VVincheſter*, interceeding to King *Edward* the first, for *Robert VVinchelsie* Archbishop of *Canterbury* banished for Treason, and calling him *his good Lord*, had his Temporalties seised, Goods confiscated, and was put out of the Kings protection. (*c*) *VVilliam VVickham* Bishop of *VVincheſter* for wasting and embesselling the Kings Treasure to a great value, wherein he was condemned, had all his Goods seised, his Temporalties bestowed on the young Prince of *VVales*, and was likewise banished above twenty miles from the Court. (*d*) *Stephen Gardiner* Bishop of *VVincheſter*, for a seditious Sermon preached before King *Edward* the sixth, and disobeying the Kings Injunctions, was committed Prisoner to the *Fleet*, and afterwards to the *Tower* of *London*, for two years space and an half, after which he was deprived of his Bishoprick, seised into the Kings hands, and sent to

a *Mat Westm. An.* 1265. 1265. *Mat. Paris p.* 951. 970. 972. *Godw p* 177. *Holinsh d* 271.

b *Antiq Eccles. Brit. p.* 286, 287. *Godw. p.* 231.

c *Antiqu. Eccles. p* 286. 287. *Holinshed p* 526. 527. *Godw p.* 184. 185.

d *Fox Acts and Monuments Ed.* 1641. *vol.* 2. *p.* 711 *to* 740. *vol.* 3. 16. 40 123. 527. *Holinshed p.* 1154 *to* 1161. *Balæus Scriptorum Brit. Centur.* 8. *sect* 88.

made against *Ranulph Flambard* Bishop of *Durham* by the Vote of a whole Parliamentary Council clapt him up Prisoner in the Tower of *London*, for a most notable Oppressor, Extortioner, Rebel, Traytor, prepared to act any wickedness, who was likewise created by *William Rufus* both Chancellor and Treasurer of *England*. This Bishop afterwards escaping into *Normandy*, perswaded Duke *Robert* to invade the Realm, to the great disturbance thereof, and effusion of much Christian bloud. After which having purchased his peace with large Gifts, yet the K. exacted from him great sums, & seised on all his Goods & Bishoprick. (*h*) *Edgar* (King of *Scots*) about the year 1100. gave the Town of *Berwick* to the Bishop of *Durham*; but because he afterwards wrought Treason against him, he lost the Gift, the King thereupon resuming the Town into his own hands. (*i*) *Hugh Pusar* Bishop of *Durham*, (who purchased the Earldom of *Northumberland* of King *Richard* the first) for giving a rude sawcy answer to King *Henry* the second, had his Castle of *Durham* seised into the Kings hands, *Anno* 1184. and otherwise was afflicted by him. (*k*) *Anthony Beak*, or *Bek*, Bishop of *Durham*, excommunicating the Prior and Monks of *Durham*, notwithstanding their Appeal to the Pope and King, and going to *Rome* without the Kings License; King *Edward* the first thereupon seised his Temporalties and Liberties; and appointed a new Chancellour, new Justices, and other Officers of *Durham*. During this his disgrace, this King for his contempts took away three Manors, and the Church of *Symondbury* from the Bishoprick, with divers other Lands. He being with other Bishops put out of the Kings protection for

h *Holinshed History of Scotland*, p. 181.

i *Chron. Johannis Brompton*, col. 1159. *Hoveden Annal. pars posterior*, p. 615. *Holinshed*, p. 105.

k *Henr. de Knighton de Event. Angl. l.* 3. c. 5. *Godw.* p. 521, 522.

for denying to grant him an ayde, he and they were forced to make their peace with large Gifts, & the grant of the fifth part of their Ecclesiastical Goods and Revenues for one year. (*l*) After the death of *Lewis Beaumont*, the Monks of *Durham* electing a Monk of their own for their Bishop, the Archbp. of *York* consecrating him without the Kings License: the King thereupon refused to restore his Temporalties to him, and caused *Richard de Bury* without any election of the Monk or Chapter, to be made and consecrated Bishop in his place; whereupon the Monk retired into the Monastery. (*m*) *Cuthert Tonstall* Bishop of *Durham* for his disobedience to King *Edward* the 6th. was committed Prisoner to the Tower of *London*, Decemb. 20. 1551. where he continued all his Reign, the King being so highly offended with him, that in (*n*) 7 E. 6. by a special Act of Parliament, the Bishoprick of *Durham* was dissolved, and all the Lands and Hereditaments thereof given to the King, his Heirs and Successors; though afterwards the Bishop and Bishoprick were restored by Queen *Mary*; but in 1 *Elizabeth* this Bishop was deprived of his Bishoprick by Act of Parliament for refusing the Oath of Supremacy, and opposing the Queens proceedings, and committed Prisoner to *Lambeth*. Our learned Martyr (*o*) *William Tyndal*, writing of this Bishop *Tonstall*, observes, *That the cause why he left the Bishoprick of* London *for* Durham, *was only covetousness and ambition.* Neither (addes he) is it possible naturally, that there should be any good Bishop, so long as the Bishopricks be nothing save worldly pomp and honour, superfluous abundance of all manner of Riches, and Liberty to do what a man list unpunished;

l Godwins Catalogue, p. 524.

m Fox *Acts and Monuments*, 1610. p. 1180. *Antiqu. Eccles. Brit.* Godw. p. 670.

n *Rastals Abridgement of Statutes, Title Durham. Cambdens Brit. p.* 736, 741. *Holinshed*, p. 1184. *Godwin*, p. 533. *Martins History*, p. 452, 453, 454.

o *Practise of Popish Prelates*, p. 374.

punished; things which only the evil desire, and good men abhor.

(p) *Roger* the great rich Bishop of *Salisbury*, (who contrary to his Oath, Duty, and Allegiance to King *Henry* the first his Advancer, and *Maud* his Daughter, set up and made *Stephen* (a Usurper) King, thereby involving the Kingdom in intestine bloudy wars and feuds all his Reign; by a divine retaliation of his Perjury and Treachery, had his Person imprisoned, his 2. newly repaired Castles of *Sherborn* and *Malmesbury*, with his stately new built Castle of *Devises*, and all his ammunition and treasures in them seised upon, with the castles of his Nephews and Creatures *Nigellus* Bp. of *Ely*, & *Alexander* Bp. of *Lincoln* for real or pretended offences, which Castles K. *Stephen* refused to restore, or to be judged by the Bishops, or their Canons in the Council of *Winchester*, commoned by the Popes Legate, to debate the legality of their seisure by the King, and to restore them to the Bishops, which the King would by no means give his consent to do; the Archbp. of *Rhoan* justifying the lawfulness of these Castles seisure in the Council, as well as the Kings Lawyers. (q) *Richard Milford* Bishop of *Salisbury*, was by order of the Barons in Parliament in XI *R.* 2. removed from the Court, and imprisoned in the Castle of *Bristol*, as a pernicious Whisperer, Flatterer, evil Counseller, Traytor to the King and Kingdom. (r) *William Ayscoth* Bishop of *Salisbury* Confessor to King *Henry* 6. by his oppressions, ill dealing, and consenting to the yielding up of *Anjou* and *Mayen* to the hands of the *French King*, so far incensed the Nobles and vulgar Rabble his Tenants too against him, that in the insurrection of *Jack Cade*, June 29. 1450. some

p *Chronicon Geru. col* 1345. 1346. *Chron. Johannis* Brompten, *col.* 1023, 1026, 1027. *Henry de Knyghton, De Event. Angl. l.* 2. *c.* 10. *W. Malm. Hist. Nov. l.* 2. *p.* 181, *to* 190. *Gul. Neubrigensis, Hist l.* 1. *c.* 6. *Mat. Paris, Mat. Westm. Hoveden, Hygden, Fabian, Holinshed, Grafton, Speed, Daniel, Fox in the life of King Stephen, Godwin, col. p* 319, *to* 322.

q *Godw. Catalogue of Bishops, p.* 281. *Walsingham, Trussel, Holinshed An.* 1388.

r *Fabians Chronicle, part* 7. An. 1450. *p.* 453. *Caxton, part* 6. *Grafton, Hall. Speed, Martin, An.* 1450. *Holinshed, p.* 636. *Godwin, p.* 351.

some of these Bishops Tenants coming to *Edendon* in *Wiltshire* whiles he was there saying Masse, seised upon him even in the Church, drew him from the Altar arrayed in his Pontifical Massing Vestments, carried him to the top of a Hill not far off, and there whiles he was kneeling on his Knees cleft his Head in two, stript him naked to the skin, and renting his bloudy shirt into several pieces, took every man a rag to keep it as a monument of this their exploit. Which though tumultuous and illegal in them, was yet a just judgement of God upon himself, for opressing his Tenants, and other publick misdemeanours.

(*s*) *Anno* 873. *Alfred* Bishop of *Leicester* was deprived of his Bishoprick for his misdemeanours by King *Elfred*. (*t*) *Ulf* Bishop of *Lincoln* was banished the Realm, and hardly escaped with his life, together with *Robert* Archbishop of *Canterbury*, and *William* Bishop of *London* by *Edward* the Confessor, by the advise of his Nobles assembled in a Parliamentary Council, for giving this good King wicked Counsel, and incensing him against the English; causing the King to infringe his good Laws, and not to administer upright Justice to his People, which he promised to reform upon their banishment. (*u*) *Alexander* Bishop of *Lincoln* was banished the Land, forced to fly into *Scotland*, and deprived of his Bishoprick, *Anno* 1070. for opposing *William the Conquerour*, *as an Invador of the Church and ravishers of Ecclesiastical things*, the *Norman* Conquerors making bold with all the Money, Chattels, Charters they could find in any Monastery, which they diligently searched by the Kings command, who appointed how many

s *Mat Westm. An.* 873. *Godwin, p* 226.

t *Simeon Dunelmensis Hist. Flor. Wigorn. Mat. Westm. Brompton, Anno* 1052. *Godwin, p.* 230.

u *Mat. Paris, Anno* 1070. *p.* 6. *Simeon Dunelmensis, Florentius Wigornensis, Ingul-Malmesbury, Hoveden, Brompton in Anno* 1070. *Holinshed, p.* 18.

many Souldiers every Bishop & Abbot which he'd of him by Barony, should find for the King in times of war, from which they were formerly exempted. (x) *Alexander* Bishop of *Lincoln*, Nephew to *Roger* the great Bishop of *Salisbury*, built three new Castles at *Banbury*, *Newark*, and *Sleford*, which King *Stephen* seised upon and took from him, upon some pretended or actual Misdemeanours, together with all the Ammunition and Treasure this Bishop had laid up in them, and imprisoned the Bishop himself, for holding the Castle of *Devises* against him, and refusing to surrender it till constrained. (y) St. *Hugh* Bishop of *Lincoln* did much oppose the payment of any Subsidies or Taxes to King *Henry* the second, *Richard* the first, and King *John*; he resisted King *Richard* the first to his face when he demanded Taxes from his Subjects, by means whereof; and of another Bishop joyning with him, he could gain no moneys from them. Whereupon the King in a great rage banished both these Bishops, confiscated all their Goods, and seised the Goods of the other Bishops, who thereupon submitted to the King. (z) *Hugh Wallis* or *de VVills* Bishop of *Lincoln*, about the year 1209. owning that Arch-traytor *Stephen Langhton* for Archbishop of *Canterbury*, and receiving his consecration from him, contrary to King *Johns* expresse command, had all his Temporalties seised, and himself kept fasting for four years space before they were restored. After which he joyning with *Lewis* the *French King*, and the Barons siding with him against King *John*, he was for these new Treasons, not only prosecuted by the King, but also excommunicated by the Pope, and not absolved till he paid the

x *Chronicon Johannis* Bromp ton, *col.* 1047. *Gul. Neubrigensis, l.* 1 c 6. *Huntingdon Hist. l* 8. *p.* 389, 390. *Hoveden Annal pars prior, p.* 484, to 495. *Mat Paris p* 74, 75, 76. *Mat. Westm An.* 1139, to 1146. *Fox Acts and Monuments p.* 181 *Speed, p.* 488, 492, 494. *Holinshed, p.* 50. *Godwin, p.* 233

y *Mat. Paris Hist. p.* 193, 195, 196. *Hoveden Annal. pars posterior, p.* 776, 777. *Holinshed p.* 173. *Ribadenira, Fleures des vies des Saincts par.* 2. *p.* 428, 429. *Willets Synopsis papismi contr.* 5. *qu* 5. *p.* 280.

z *Mat. Paris, Hist. Angll p.* 220, 288. *Antiqu Eccles Brit. p* 149. *Fox Acts and Monuments, vol* 1. *p* 335. *Willets Synopsis, Pap. contr.* 5. *qu* 3. *p.* 280.

the Pope one thousand Mark, and his Legat one hundred Marks; sundry other of our Bishops being then fined for the like Crimes, and that so deeply, that they were compelled to sell all they had to satisfie the King. (a) *Hugh Burwash* Bishop of *Lincoln*, though advanced by the special favour of King *Edward* the second to that See, fell so far into his Royal displeasure within two years after his consecration, for some contempts and offences against him, that the King seised his Temporalties into his hands for two years space, *Anno* 1324. he being restored to the Kings favour and his Temporalties again, the grudge thereof stuck so far in his stomach, that none was so forward to assist the Queen with mony, armes, forces, nor so eager against the King to depose him, as this Bishop of *Lincoln*, and the Bishops of *Ely*, *Dublin*, and *Canterbury*, by whose assistance and advice the King was not only deposed, but murdered. (b) *Thomas VVatson* Bishop of *Lincoln* in the first year of Queen *Elizabeth*, was by the Queen and Parliament deprived of his Bishoprick, and committed to Prison for refusing to take the Oath of Allegiance and Supremacy, and threatning to excommunicate the Queen for altering Religion.

King *Stephen* about the year 1140. banished (c) *Nigellus* Bishop of *Ely* for his Treason and Contempts against him, seised his Castles and Temporalties during his life, and kept them in his hands at least five years space after his death. (d) *Geoffry Rydel* his next Successor (commonly called *the proud Bishop of Ely*) had all his Moneys, to wit, 3060 marks of Silver, and 205 pounds of Gold seised upon, and confiscated by King *RICHARD* the first.

(e) *VVilliam.*

a *Walsingham Hist. Angl. Anno* 1326, 1327 *p.* 101, 104, 105. *Godwin, p.* 303 *Speed History, p.* 678, 630, 631.

b *Martins History, p.* 453. *Godwin, p* 240. *Antiqu. Eccles. Brit. p.* 426, 427.

c *Radulfus de Diceto, Abbrev. Chronicorum, col.* 508. *Mat. Paris, p.* 74. *Mat. Westm. An.* 1339. *p.* 36. *Godwin, p* 201. *Henr. de Knyghton, de Event. Angl. l.* 2 *c* 10.

d *Mat. Paris, p.* 147. *Godwin, p.* 202. *Radulfus de Diceto, Martins Hist. col.* 677.

(e) *William Longchamp* Bishop of *Ely*, both Protector, Chancellour, and Chief Justice of the Realm, and Popes Legat, during King *Richard* 1. his absence in the holy wars; as he seised and spoyled the Temporalties and Goods of *Geoffry Plantaginet* Archbishop of *York*, stripped him and his Followers of all they had, dragged him by his Officers out of St. *Martyns* Church in *Dover* by force from the very Altar it self, without the least respect to the greatness of his Person, or holyness of the Place, and thrust him Prisoner into *Dover* Castle; so himself was soon after seised upon, dragged by the Heels, and imprisoned at *Dover* by the vulgar Rabble, then forced out of the Realm by the Nobles, and other Prelates, and his Estate confiscated for his intollerable Tyranny and Misdemeanours. (f) *Eustathius* Bp. of *Ely*, for pronouncing the Popes excommunication against King *John*, & interdicting the whole Realm, had all his Temporalties seised into the Kings hands, his Goods confiscated, himself forced to fly the Realm, and to continue in exile many years; all the Prelates and Clergy of *England* confederating with him herein being likewise commanded to depart the Realm, their Possessions, Baronies, Temporalties, Goods seised, confiscated, and all of them put out of the Kings protecon, *Anno* 1208. (g) King *Henry* the third was so highly offended with *Hugh Balsam* Bishop of *Ely*, that he seised upon his Temporalties, caused all the Woods thereon to be cut down and sold, the Parks to be spoyled, the Ponds to be fished and wasted, and havock to be made of all things, for harbouring the Rebels then in armes against him. (h) *Thomas Lilde* Bishop of *Ely*, a furious indiscreet Prelate

c *Chronicon Johannis Brompton*, *col.* 1224, 1227. *Hoveden Annal. pars posterior*, *p.* 680, 687, 700, to 708, 718, 719, 720, 735. *Mat. Paris*, *p.* 151, 155, 156, 157, 162, *&c. Neubrigensis*, *Hist. l.* 4. *c.* 14, 15, 16, 17, 18. *Holinshed*, *p.* 129, to 133. *Fox Acts and Monuments p.* 114, 223, 224. *Speed*, *p* 531, *&c. Godwin*, *p.* 147. *Henry de Knyghton de Event. Angl. l.* 2. *c.* 13. *Chronicon Gervasii.*

f *Mat. Westm Mat. Paris*, *An.* 1208. *p* 217, 218. *Holinshed*, *p.* 171, 172, *&c. Godwin*, *p.* 291. *Henry de Knyghton de Event. Angl. l.* 2. *c.* 13.

g *Mat. Paris*, *p.* 906, 921, 969 *Godwin*, *p.* 207.

h *Godwin*, *p.* 269, to 272. *Walsingham Hist. An.* 1318. *p.* 165. *Ypodigma Neustr. p* 125. *Holinshed*, *p.* 391, 392. *Antiqu. Eccles. Brit p* 271, to 275. *Harrisons History of England*, *l.* 2 *c.* 1 *p.* 143, 144. *Fox Acts and Monuments*, *vol.* 3.

Prelate, upon King *Edward* the third his complaint to the Parliament was baniſhed the Court during his life, & his Poſſeſſions ſeiſed on by the King till his death. (*n*) *Thomas Thurlby* Biſhop of *Ely*, for denying the Oath of Supremacy, and oppoſing the reformation of Religion intended by Queen *Elizabeth*, was committed Priſoner to the Tower, and deprived of his Biſhoprick by the Parliament in the firſt year of Queen *Elizabeth*, with other Popiſh Biſhops deprived for the like offences the ſame year.

n *Godw. p. 225, 229, 339. Martins Hiſtory, p. 453, 454.*

(*o*) *Walter Stapleton* Biſhop of *Exeter*, Anno 1326. was aſſaulted by the people in *London*, at the North-door of *Pauls*, and dragged thence by them into *Cheapſide* by the heels, where they proclaimed him an open Traytor, a Seducer of King *Edward* the ſecond, (who left the charge of the City to him) and a Subverter of their liberties; after which ſtripping him of his Pontifical Garments, they took off his Head from his Shoulders, and ſet it on a Poll for a ſpectacle, that the remembrance & cauſe of his death (never queſtioned) might continue. (*p*) *Living* the 23d. Biſhop of *Worceſter*, Anno 1040. was accuſed by *Elfrick* Archbiſhop of *York*, for procuring the death of *Alfred* eldeſt Son of *Ethelred*: Whereupon King *Hardeknute* degraded him, and gave his Biſhoprick to *Elfrick*. So (*q*) *Alfred* Biſhop of *Worceſter* for his miſdemeanours and oppoſition againſt King *Hardeknute*, and having likewiſe a hand in the death of his half Brother *Alfred*, was expulſed that See, till his money purchaſed his peace. (*r*) *Maugere* the third Biſhop of *Worceſter*, being one of the four Biſhops who excommunicated King *Iohn*, and put the whole Kingdom under an Interdict,

o *Fabians Chron. part 7. p. 181, 182. Holinſhed, 338. 1305. Walſingham Hiſt. Angl. p. 104, 105. Godwin, p. 330.*

p *Malmesb. de Geſtis Pontif. l. 2. c. 12. p. 77. Mat. Weſtm. An. 1040. Godwin, p. 436.*

q *Mat. Weſtm. An. 1208. Mat Paris, p. 219. 232. Walſingham Ypodigma Neuſtriæ, p. 53. Godwin, p. 362. Holinſhed, Speed, Grafton, An. 1208. in King John.*

r *Holinſhed, l. 7. c. 15. p. 1851, Speeds Hiſtory, p. 405, 411.*

dict, *Anno* 1208. had all his Goods confiscated, his Temporalties seised by the King, and being forced to fly the Realm for these misdemeanours died in exile. (*a*) *Raynelmus* the 30. Bishop of *Hereford* receiving his investiture from King *Henry* the first, by the delivery of a Ring and Crosier, according to the Law and Custom of that Age, and afterwards resigning them into the Kings hands again to pleasure *Anselme*, against the Kings Prerogative, the King was so highly offended with him (as he had just cause) that he presently banished him the Realm, and seised his Temporalties. (*b*) *Giles de Bruse* Bishop of *Hereford* for siding with the Barons in their wars against King *John*, and consenting to the Interdict, had all his Goods and Temporalties seised, and was banished the Kingdom by King *John*. (*c*) *Peter de Eveblancks* 42. Bishop of *Hereford* for his intollerable Oppressions, Treacheries and Exorbitances, was arrested by the Barons in the year 1263. in his own Cathedral Church, where they seised upon his Goods, divided his Treasure amongst their Souldiers before his face, and then imprisoned him a long time in *Ordley* Castle, as a mere Pest and Traytor both to Church and State. (*d*) *Adam de Orlton* or *Tarleton* the 46. Bishop of *Hereford*, was arrested of High Treason for aiding the *Mortymers* with men and armes, against King *Edward* the second, and being indicted and brought to the Kings-bench Bar at *Westminster* to be arraigned for this Treason, the Archbishops of *Canterbury*, *York*, and *Dublin*, accompanied with their Suffragan Bishops, came forcibly with their Crosiers, rescued, & took him away from the Bar, and protected him from the Kings Justice; but the Indictment being

a *Malmesb. de Gestis Pontif. l.4 p. 287. Godwin, p. 473.*

b *Mat. Westm. An. 1208, 1215. Godw. p. 375.*

c *Mat. Paris, p. 881, to 889, 903, 907, 916, 917, 924, 934. 960, 961. Holinshed, p. 251, 252, 1258. Godw. p. 375.*

d *Walsingham Hist. Angl. p 98, 99, 101, 104. Tpodigma, Neustriæ An. 1326, 1327. Holinshed, p. 329, 339, 340, 1245. Speed, p. 773, 680. Antiq. Eccles. Brit. p. 227. Godwins Catalogue, p. 232, 233. Cambdens Britan. p. 575. My Antipathy to the English Lordly Prelacy to Unity and Monarchy, p. 55, 56, 265, 266, 236.*

being found true upon proof, his Temporalties were thereupon seised into the Kings hands, till by this Bishops instigation he was deposed from the Crown, and soon after murdered by his advice. When Queen *Isabel* and her Son Prince *Edward* were with their Army at *Oxford*, this Bishop steps up into the Pulpit, and there taking these words for his Text, *My Head grieved me*: he made a long Discourse to prove, *That an Evil Head, not otherwise to be cured, must be taken away; applying it to King* Edw. *the 2d. that he ought to be deposed;* and afterwards *he counselled the Queen to depose & make him away;* which being effected at *Berkley* Castle, by thrusting a hot Spit into his fundament; none then appeared so earnest a Prosecutor of these Murderers as this Traitorous Bishop, who set them on work: to whom when many of his own Letters were produced and shewed concerning this most traytorous inhuman Act, he eluded them by sophistical interpretations, and utterly denyed he was any way consenting thereunto, when as in truth he was the chief occasion and adviser thereof. (e) *John Trevenant* the 51. Bishop of *Hereford* was one of the prime Actors in the deposition of King *Richard* the second, and setting up King *Henry* the 4th. in his Throne; for which he demerited not only a sequestration of his Temporalties, but a Decollation, though he escaped both. (f) *Charles Booth* Bishop of *Hereford* was excepted out of the General pardon of the *Præmunire* granted by King *Henry* the 8th. to the Clergy in Parliament, 22 *H.* 8. c. 15. for which his Goods and Temporalties were confiscated to the King. (g) *Agelrick* Bishop of the South-Saxons (since *Chichester*) was deprived by

e *Rot. Parl.* 1 *H.* 4. *Walsingham, Hist. Angl.* p. 401. *Holinshed*, p. 507. to 510. *Speed*, p. 763. *Grafton, Howe, Baker, Trussel, Hall in R.* 2. & *H.* 4. *Godwin*, p. 378.

f *Mat. Westm. Wigornienſis, Mat. Paris, Malmesbury, Hoveden, Chron. Johannis Brompton, Huntindon*, Anno 1070. *Godwin*, p. 383.

g 11 *R.* 2. c. 6. *Walsingham Hist. Angl. An.* 1388. p. 365. *Grimston, Holinshed, Trussel*, An. 11 *R.* 2. *Godw.* p. 388.

William the Conqueror, Anno 1078. with sundry other Bishops and Abbots in the Councils of Winchester and Windsor, for their Treasons and Conspiracies against him, and afterwards imprisoned. [k] *Thomas Rushock* the 20th. Bishop of *Chichester*, a lewd pernicious Prelate, *Anno* 1388. was banished the Court as a Traytor and pernicious Counsellor to King *Richard* the second, his Lands and Goods confiscated, himself banished and deprived of his Bishoprick by Act of Parliament, and had suffered death too as a Traytor, but that his Guiltiness made him fly before he could be apprehended. [l] *Richard Sampson*, the 37th. Bishop of *Chichester*, Anno 21 *H.* 8. was committed Prisoner to the Tower, for relieving certain trayterous Persons who denyed the Kings Supremacy. [m] *George Day* Bishop of *Chichester*, Octob. 10. 1551. was deprived of his Bishoprick for denying the Kings Supremacy, maintaining the Popes, and other Misdemeanours; and his Temporalties seised. [n] *John Christopherson* Bishop of *Chichester* was deprived of his Bishoprick by Act of Parliament, 1 *Eliz.* for denying the Queens Supremacy, and to take the Oath of Supremacy and Allegiance.

[o] *Henry Spencer* Bishop of *Norwich* a Martial Prelate, more imployed in the Field than in the Pulpit, and the Popes General against the *Flemmings*, Anno 1385. had all his Temporalties seised into the Kings hands for two years, for raising an Army and passing the Seas without and against King *Richard* the second his command, and was likewise questioned, fined and ransoned in Parliament for his misdemeanours in that military imployment. [p] *Alexander* Bishop of *Norwich* being elected

k 11 R. 2. c. 6. *Walsingham Hist. Angl. An.* 1388. p. 365. *Grimston, Holinshed, Trussel, An.* 11 *R.* 2. *Godw.* p. 388.

l Holinshed, p. 951.

m Godwin, p. 390. and Fox, vol. 2.

n Martins History, 452. 453, 454. Antiqu. Eccles. Brit. in Mat. Parker, Godwin, p. 390.

o Walsingham Hist. p 278, 319, to 334, 338. Polychronicon, l. 7. c. 5. Antiqu. Eccles. Brit. p. 248. Holinshed, p. 442, 443. Speed. p. 795, 797. Godwin, p. 350, 351, 352. Exact Abridgement of the Records of the Tower, p. 288, 289, 291, 292, 293.

p Godwin, p. 952.

ted by the Monks against the Kings consent *Anno* 1406. had his Temporalties kept from him by the King, and his Person imprisoned at *Windsor* almost a year. [q] *Richard Nyx* Bishop of *Norwich* in the 25. of *H.* 8. was attainted in a *Præmunire*, put out of the Kings protection, his Person imprisoned, his Lands, Goods and Chattels seised and forfeited to the King, for citing the Maior of *Thetford* into his Spiritual Court, and forcing him to revoke a Presentment upon Oath, contrary to Law.

q *Hill* 25 *H* 8. *coram Rege*, rot. 15. *Godwin*, p. 354.

[r] *Hugh Novant* Bishop of *Chester* (or *Coventry* and *Litchfield* as some stile him) for conspiring with the King of *France* and Earl *John*, against his Soveraign King *Richard* the first, to detain him still in Prison, and plotting all the Mischief he could for the destruction of the King and Kingdom, was in a Grand Parliamentary Council held at *Nottingham*, about the year 1198. adjudged to Ecclesiastical censures, and the seisure of his Temporalties as a Bishop, and also to banishment, and a Fine of 5000 Marks by the Temporal Lords, as an Officer to the King. [s] *Walter Langton* Bishop of *Chester*, by King *Edward* the second his command, was arrested by the Constable of the Tower, and imprisoned above two years space in several Castles, his Lands and Temporalties seised into the Kings hands, his Goods confiscated, and after that compelled to answer to divers haynous Crimes whereof he was accused. [t] *Cutbert Scot* Bishop of *Chester* for his disobedience to Queen *Elizabeth* was committed Prisoner to the *Fleet*, and displaced.

r *Roger Hoveden Annal. pars posterior*, p. 734, 737, 752, 776. *Mat. Paris*, p. 180. *Mat. Westm.* Anno 1198 p. 73. *Holinshed*, p. 142, 147. *Godwin*, p. 258. *Speed*, p. 541.

s *Mat. Westm.* Anno 1301. p. 419. *Walsingham*, *Hist. Angl* p. 68. *Holinshed*, p. 313. *Speed* p. 667. *Godwin*, p. 260, 261.

t *Godwins Catalogue*, p. 545.

[u] *Edilred* King of *Mercia* for some just displeasure against *Putta* Bp. of *Rochester*, burned his

u *Malmesb. De Gestis Pontif. Angl* p. 231. *Godwin*, p. 392, 393.

his Church and City, and forced him to desert his Bishoprick; to which he would never afterwards return. [x] *Godwin* Bishop of *Rochester* was for many months besieged in his City of *Rochester* by King *Ethelred*, for some contempts against this King, who would not raise his Siege upon any intreaty, till the Bishop had submitted himself, and likewise paid him an hundred pounds Fine. [y] *John Fisher* Bishop of *Rochester* was grievously questioned in Parliament by the House of Commons, *Anno* 25 H. 8. for saying, *That all their doings against the Clergy, was for lack of Faith; after which he was indicted and condemned of High Treason, for countenancing the Revelations of* Elizabeth Barton, *and denying to acknowledge the Kings Supremacy over Ecclesiastical Persons and Causes; for which Treason he was executed upon Tower-hill*, (though a Bishop, and new-made Cardinal) June 21. 1535. *and his Head set upon* London Bridge.

[z] *Edmond de Bromfield* the 48th. Bishop of *Landaff* was for a long time committed Prisoner to the Tower, his Temporalties seised, and Goods confiscated by King *Richard* the second, for procuring and bringing in the Popes Bulls of *Provision*, contrary to his own Oath, and the Laws of the Land, to make himself Abbot of *Bury*.

[a] *Richard* Bishop of *Bangor*, siding against King *John* his Soveraign, with *Leolin* Prince of *VVales*, was taken Prisoner by the King in his own Cathedral Church, and put to a ransom of 200. Hawks. [b] *Roger Young* Bishop of *Bangor* was imprisoned two or three years for his disobedience against King *Henry* the 4th. and confederating with that Rebel *Owen Glendor*. [c] *Arthur* Bishop of *Bangor* was attainted

x *Malmesb. de Gestis Regum Angl. l.* 2. *c.* 10. *p.* 60. *Mat. Westm. Anno* 983. *p.* 379. *Antiqu. Eccles Brit p.* 62. *Speed, p.* 414. *Godw. p.* 394.

y *Halls Chronicle*, 25 *H.* 8. *f.* 218 *Holinshed, p.* 936, 937. *Balæus Cent. Script. Brit. Cent.* 8. *c.* 68. 100. *Fox Acts and Monuments p.* 955, 976. *Speed, p.* 10. 9, 1046. *Godwin p.* 402.

z *Godwin, p.* 539.

a *Godwin, p.* 538.

b *Godw. p.* 538, 539.

c *Trin.* 36 *H.* 8. *Coram Rege, Rot.* 9. *Godwin, p.* 540.

attainted in a *Præmunire* in the 36. year of King *Henry* the 8th. for suing for the right of Patronage and Tithes of the Church of *Langeynevin*, in his Spiritual Court, which belonged only to the Kings Temporal Courts, for which he was put out of the Kings protection, his Goods confiscated, Temporalties seized, and his Person adjudged to be imprisoned according to the Statute; he sold away 5. fair Bells out of the Steeple of his Cathedral. [e] *Giso* Bishop of *Bath* and *Wells*, had many conflicts with King *Herald*, who forced him to fly the Realm, and seized his Temporalties all his Reign. [f] *Joceline* Bishop of *Bath* and *Wells*, joyned with Archbishop *Langhton* and other Bishops, in excommunicating his Soveraign King *John*, and interdicting the Kingdom, for which offences his Temporalties were seized, his Goods confiscated, himself forced to fly and banished the Realm for five years space. [g] *Robert Stillington* Bishop of *Bath* and *Wells*, for siding with the bloudy Usurper *Richard* the third, at whose Coronation he was specially employed, and for yielding assistance to *Lambert* the Counterfeit Earl of *Warwick*, and other Treacheries was publickly accused of High Treason, against King *Henry* the 7th. and also arrested of High Treason in the University of *Oxford*, whether he fled for Sanctuary, imprisoned in the Castle of *Windsor* till his death *Anno* 1491. and his Goods and Temporalties seized. [h] *William Barlow* Bishop of *Bath* and *Wells*, was attainted in a *Præmunire*, by which his Temporalties and Goods were forfeited to the King. [i] *Gilbert Bourne* the 47. Bishop of *Bath* and *Wells*, for denying the Queens Supremacy, and refusing the Oath of Supremacy and Allegiance to her, 1 *Eliz.* was deprived of his Bishoprick.

And to mention no more Presidents in so plain a Case, *August* 4. 1641. *Walter* Bishop of *Winchester*, *Robert* Bishop of *Coventry* and *Lichfield*, *Godfry* Bishop of *Glocester*, *Joseph* Bishop of *Exeter*, *John* Bishop of *Asaph*, *George* Bishop of *Hereford*, *Matthew* Bishop of *Ely*, *William* Bishop of *Bangor*, *Robert* Bishop of *Bristol*, *John* Bishop of *Rochester*,

e Godwin p. 360, 361.

f Mat. Paris p. 217. Mat. Westm. Anno 1208. Godwin Edit. 2. p. 107, 366.

g Halls chron. 2 R. 2. f. 25. Speed p. 933. Holinshed and Lord Verulam in H. 7. Godwin Edit. 2 p. 377, 378.

h Brooks Abridgment Tit. Præmunire sect. 21.

i Antiq Eccles. Brit. in Mat. Parker, Martyns Hiflory p. 492, &c. Godwin p. 311. see the Commons and Lords Journals August 4. 1641.

ster, *John* Bishop of *Peterborough*, *Roger* Bishop of *Landaffe*, and *William* Bishop of *Bath* and *Wells*, were all of them joyntly, and 2. of them particularly, impeached by the Knights, Citizens and Burgesses of the Commons House of Parliament, for several high Crimes and Misdemeanors, contrary to the Kings Prerogative, the Fundamental Laws of the Land, the Rights of Parliament, the Property and Liberty of the Subject; and matters tending to sedition, and of dangerous consequence: After which most of them, with the Archbishops of *Canterbury* and *York*, were committed Prisoners to the *Tower*, their Goods and Temporalties sequestred, and sold by sundry Ordinances of Parliament.

If any out of Ignorance or Prejudice, should deem all these proceedings against the Persons and Temporalties of our Archbishops and Bishops from age to age illegal, unjust or sacrilegious, let them peruse the Statutes of 1 E. 3. c. 2. 14 E. 3. c. 3. 25 E. 3. c. 6. 2 R. 2. c. 7. 13 R. 2. Stat. 2. c. 8. 43. 16 R. 2. c. 5. 6 H. 4. c. 7. And the year books of 20 E. 2 *Fitz. Corone* 237. 16 E. 3. and 14 E. 3. *Fitz. Quare non admisit* 3, 7, 8, 11 21 E. 3. 3, 30, 60. *Brook Contempts* 5. 19. 22 E. 3. 22, 26. Ass. 19. *Brook Forfeiture* 82. 106. 29 E. 3. 42. *Fitz. Execution* 159. 38. Ass. 22. *Grant* 1. 38 E. 3. 12. 46 E. 3. *Præmunire* 1. 10 H. 4. 6. 14 H. 4. 14. 8 H. 6. 3. 9 E. 4. 28. 27 H. 8. 14. 22 *Brook Exigent* 3 *Stamford* l. 2. c. 45. *Cook* 5. *Report* f. 12, 13. 8. *Report* f. 68. *Cooks* 3. *Institutes* c. 36. 54. Sir *John Davis Reports* f. 84. the case of *Præmunire*. Upon perusal of all which it will most evidently appear, that both our Parliaments and Judges have frequently declared, resolved, that both their Persons may lawfully be attached, imprisoned, banished, executed, their Temporalties seized, and Goods confiscated to the King, for their Offences, Contempts, Rebellions, both by the Common and Statute Laws of *England*, and therefore by like reason their Lands may be alienated and taken from them for their offences or abuses of them, without sin, sacrilege or injustice, by our Kings and Parliaments, beyond all contradiction.

tradiction, as they have been from time to time both by the Emperors of *Rome*, *Greece*, *Germany*, the Kings, and Kingdoms of *France*, *Spain*, *Hungary*, *Italy*, *Denmark*, *Sweden*, *Poland*, *Scotland* and *Ireland*, as well as *England*.

6ly. That as the Lands and Temporalties of Bishops, Abbots, Cathedrals, by their very first Charters of Endowments and Foundations, were alwaies lyable to [a] these 3. Temporal charges, and Secular services, though dedicated to God and his Church, to wit, **Military Expeditions, and Charges of War**, for the defence of the King and Kingdom; the building, and repairing of **Castles and Bridges**, (commonly expressed in antient Charters under this exception, *Exceptis* **Expeditione**, *Pontis & Arcis constructione, vel necessariis defensionibus Arcium, quæ nulli unquam possint laxari:*) So if the Bishops and Abbots upon the Kings writs of Summons, refused to send in their Proportions of Horse and Armes, according to the Number of the Knights fees they held by, and perform these Services to our Kings in times of War or Danger; or denied to grant competent Aydes and Subsidies to our Kings when demanded, their Temporalties, Lands, Goods & Movables, were usually seized into the Kings hands for this Contempt, as is evident by Clauſ. 48 H. 3. m. 3. 6. Dorſo; the presidents of Archbishop *Winchelsie*, and other Bishops forecited p. 52, 53, &c. So our Kings in times of War, *have frequently seized upon Archbishops, Bishops and Church-mens Lands, and given them to their Commanders and Souldiers*, witnesse the presidents of [b] King *Offa* and *Kenulphus* of old, who took away sundry *Mannors and Lands from the Archbishops of Canterbury*, which they partly divided amongst their Captains and Souldiers, and partly retained to themselves, with other presidents since. And not only so, but the Knights, Citizens, Burgesses, and sundry Lords in successive Parliaments, even in times of Popery, have often pressed our Kings to take away, sell and alienate the great superfluous Mannors, Lands, Temporalties, of Bishops, Abbots and Church-men, for easing the

a Evidentiæ Eccles Christi Cantuar. Col. 2207, to 2230. Ingulphi Hist. 853. &c. Monasticon Anglicanum, & Spelmanni Concilia.

b Evidentiæ Eccles. Cant. Col. 1212, 1213, 1214. Spelmani Concilia, Tom. 1. P. 318, to 334.

Kingdom and people from Taxes, and maintaining of Earls, Nobles, Knights and other Military men, to ayd our Kings in their Wars; and have actually taken away divers Mannors, Lands and Tenements from our Archbishops, Bishops and Cathedrals, as well as from Abbots, Priors, Monasteries, and given them to our Kings, or such as they should appoint. The House of Commons in two [c] *several Parliaments*, held in the years of our Lord 1403. and 1404. under King *Henry* the 4th. when this King wanted and demanded aydes and monies from them to carry on his Wars against the *Welch*-men at home, and the *French*, with other Enemies abroad, counselled and pressed the King, *to seize upon the Lands of the Bishops, Abbots and Spiritualtie, to supply his wants with their Temporalties and Superfluities*; Whereupon there grew a great contest in the Parliament, between the Clergy and Laity; the Speaker of the Commons House, and the Knights affirming, *That they had often served the King in his Wars, not only with their Goods, but also with their Persons, in very great Dangers and Jeopardies, whiles the Prelates and Spiritualty sate idle at home, and helped the King nothing at all.* Whereupon the Bishops and Clergy to preserve their Temporalties from being taken away in these two Parliaments, readily gave the King a Tenth in the first of these Parliaments, and a Tenth and an half in the second. After this the [d] Knights and Commons in the year 1410. presented this Petition to King *Henry* the 4th. and the Lords in Parliament. *To our Most Excellent Lord the King, and all the Nobles in this present Parliament assembled, all your faithfull Commons humbly demonstrate, and truly affirm, that our Lord the King might have out of the Temporal Possessions, Lands and Tenements, which are occupied, and proudly, leudly and unprofitably spent, consumed and wasted by the Bishops, Abbots and Priors within this Realm, so much in value as would suffice to sustain in food 15. Earles, 1500. Knights, 6200. Esquires, and 102. Hospitals more then now be*; Pressing the King and Lords to take away these Temporalties, which they proudly and unprofitably consumed, and

c Walsingham Hist. Angl. p. 414, 415, 416. Ypodigma Neustriæ p. 166. Antiq. Eccles. Brit. p. 307, 308. Holinshed p. 526. Speed. p. 775.

d Walsingham Hist. Angl. p. 422. Ypodigma Neustræ p. 174. Holinshed p. 536. Fabian Anno 1410. part. 7. p. 386, 387.

and to imploy them on other publick uses. But by the subtilty and potency of the Bishops, Abbots and Clergy, *from whom the King demanded a Tenth to be annually granted to him during his life*, wherein they were ready to gratifie him; they preserved their Temporalties for that present. Yet afterwards the Commons in Parliament, *Anno* 1414. renewed this their old Petition to King *Henry* the 5th. and the Lords, to seise upon the Bishops and Abbots Temporalties, shewing how many Earls, Knights and Esquires they would maintain, exhibiting a Bill to that purpose. Hereupon the Bishops and Abbots whom it touched very near, much fearing the issue; determined to assay all wayes to put by and overthrow this Bill, minding rather to bow than break, agreeing first to offer the King a great sum of mony to put by his demand; and afterwards intituling the King to sundry Provinces, and the whole Realm of *France* in this Parliament, and stirring up the King and Nobles to regain the same by force of armes. *Towards the recovering and regaining of which antient Right and Inheritance, they granted the King in their Convocation such a sum of mony, as by Spiritual persons never was to any Prince, though the whole Christian world, before these times given and advanced.* By which policy and grant they preserved their Temporalties from being taken away from them by that Parliament. Yet some of their Manors and Temporalties were parted with to the King and Lords to purchase their peace, after every of these Parliaments. In the Parliament of King *Henry* the 8th. in the 22d. year of his Reign, *there were sundry* * *Bills exhibited in Parliament against the abuses of the Bishops and Clergy*, and many hot contests between the Commons and Prelates, who at the last brought them within the compasse of a *Præmunire* in this Parliament, to the confiscation of all their Goods, Temporalties, and imprisonment of their Persons, *for submitting to Cardinal* Wolsie *his Power legatine from the Pope, contrary to the Laws of the Realm, and the Kings Prerogative.* Whereupon

* *Fabians Chronicle, part 7. p. 30 39 1. Halls Chronicle, 2 H. 5. 35, 36, &c. Holinshed, p. 545, 547, 583.*

* *Halls Chron. 22 H. 8. f. 188, 189, &c. Holinshed, p. 911, 212. Fox Acts and Monuments, vol. 2. 21 H. 8. c. 4, 5, 13.*

upon the Bishops and Clergy of the Province of *Canterbury* proferred to give the King the sum of one hundred thousand pounds; and those of the Provinces of *York* eighteen thousand pounds more, and likewise agreed to give the King the Title of THE SUPREAME HEAD OF THE CHURCH OF *ENGLAND* NEXT UNDER CHRIST (which they would never do before) to take off the forfeiture of the *Præmunire*. Which the King accepting of, (g) *granted all the Bishops and Clergy a General Pardon in Parliament*, out of which *John* Archbishop of *Dublin*, and the Bishop of *Hereford*, with six more Clergy-men only were excepted; and soon after this Parliament many of the Bishops Temporalties and Manors were granted by them to the King by their special conveyances, besides others of them leased or granted to Courtiers, great Officers and Favourites, to preserve the remainder of them. In the Parliament of (h) 37 H.8. by a special Act of Parliament, printed in our Statutes at large, under a feined pretext of Exchanges, and other Recompences, the Manor of *Rippon* in *Yorkshire*, together with 69. other Manors there named, their members and appurtenances, were alienated and taken away from the Archbishoprick and Archbishop of *York*, nine Manors, one Castle, with sundry Parks and Rectories belonging to the Archbishoprick of *Canterbury*; the Manors of *Chelmesford* and *Crondon*, with the Park of *Crondon*, and all their Members, Rights and Appurtenances were alienated and taken quite away from the Archbishops of *Canterbury* and Bishops of *London*, and their Successors, and by these Bishops Indentures, and this Act of Parliament setled on the King, his Heirs and Successors for ever, as well against the said Archbishops and Bishop of *London*, and their respective Successors, as against the respective Deans and Chapters of *York*, *Canterbury*, *London*, and their Successours, and every of them; any Law, Custom, Statute, or other thing to the contrary hereof, had or made notwithstanding; as in and by the said Act (worthy perusal) is more at large recorded.

g 22 H 8. c. 15.

h 37 H.8. c. 16.

ded. Besides these, the City of *Bath*, the Manors *Marksford, Chedder, Chew, Claverton, Compton Dando, Compton Panel, Congesbury, Clanmore, Everchurch, Heriton, Kingsney, Ledford, Pucklechurch, Wellington, Westerleigh, VVatton, VVeeke, VVile, Yatton*, with sundry other Farmes, Tenements, Hundreds and Appropriations, have been alienated by and taken from the Bishoprick of *Bath* and *VVells*, the Manors of *Sherburn, Sunning*, and sundry others from the Bp. of *Salisbury*; and sundry other Manors Lands, Tenements, Farmes, from the Bishops of *VVinchester, Lincoln, Ely, Chichester, Norwich, Exeter, Hereford, Coventry and Litchfield, Durham, Carlisle*, before and since 37. *Henry* the 8th. And had not the Statute of 1 *Iac. c.* 3. restrained the Alienations of Bishops Lands and Revenues, they had long ere this had no Lands or Rents at all to dispose of. In the Parliament of (*i*) 7 E. 6. by a special Act of Parliament the Bishoprick of *Durham*, with all the Lands and Hereditaments thereof were taken away, and setled in the King, his Heirs and Successors. And no longer since than 21 *Iac. c.* 30. *York-house* in the *Strand* was by special Act of Parliament by way of Exchange taken from the Archbishop of *York*, and setled on King *Iames*, his Heirs, Successors and Assigns, and after that on the Duke of *Buckingham*, upon pretext that it was for the benefit of the Archbishops. By all which Acts and Presidents it is most evident, that our Kings, Parliaments and Temporal Lords, may not only seise, sequester the Temporal Lands, Goods, Estates of Bishops and Church-men, in cases of Delinquency and Contumacy, but likewise substract, alienate and sell them to supply the necessities of the King and Kingdom, in times of war and extreme necessity, without Sacriledge or Impiety; which should cause our present Archbishops, Bishops, and Cathedralmento carry themselves with greater Loyalty and Dutifullnesse towards his Sacred Majesty, with greater humility, sobriety, meeknesse and respect towards the Temporal Lords, Commons and People, than their Predecessors

(*i*) *Rastal's Abridgement of Statutes, Title Durham.*

deceſſors have done, and make them very carefull of giving juſt offences, or provocation to all or any of them, eſpecially at this preſent juncture of our Eccleſiaſtical and Civil Officers, in ſo hopefull a way of future Settlement, if their pride, avarice, ambition or indiſcretion do not interrupt them.

7ly. That Archbiſhops, Biſhops, Deans and Chapters themſelves, by their common conſent, may lawfully alienate, ſell, and give away, not only their Lands and Poſſeſſions (which were never ſolemnly conſecrated) but even their very conſecrated *Chalices*, Veſtments, and Ornaments of their Churches themſelves, though more peculiarly conſecrated by Epiſcopal benedictions, more immediately devoted to Gods ſervice, than their Lands and other Temporalties; *and that in caſes of publick neceſsity or charity, as to relieve the Poor in time of famine, to redeem Captives, to ranſom their lawfull Kings, to ſupport their decayed Patrons and Benefactors, to defend their native Country againſt invading Enemies, or Chriſtians againſt Infidels, to prevent a greater miſchief, and for the benefit of the Church in general*, as ſundry (*a*) *antient Councils*, and the (*b*) *Popiſh Canoniſts* themſelves have reſolved. Yea *by the Popes conſent*, without any of theſe Cauſes, our *Archbiſhops and Biſhops might alienate, ſell, morgage, give away, and diſpoſe of the Lands belonging to their Biſhopricks; as the expreſs* (c) *clauſe in their Oath to the Pope*, not to do it without the *Popes council and conſent*, imports. (*d*) When our King *Richard* the firſt *was moſt injuriouſly taken in his return from the* Holy Land, *and for a whole year and three months ſpace kept Priſoner by the Emperour of* Germany, *and at laſt put unto a ranſom of one hundred thouſand pounds of Silver, after the weight of* Colen, *Anno* 1093. the Kings Collectors being unable to levy ſo great a maſſe of moneys; thereupon *Majores quidem Eccleſiæ theſauros ab antiquis congeſtos temporibus, Eccleſiæ Parochiales argenteos calices præmiſerunt*; the Archbiſhops, Biſhops, Abbots and Priors of all Conventual Churches gave the fourth part of their *annual Rents*, and other inferiour

a *Concilium Hyponenſe*, 3. *Can.* 5. *Carthaginenſe* 4. c. 32. *Carthaginenſe* 5. c 4 *Agathenſe*, c. 45. *Surius & Binius Concil. Tom.* 1.

b *Ferrandus*, c. 34. *cauſ.* 17. *qu.* 4. *and the Gloſſes thereon, Angelus de Clavaſio, Summa Angelica & Baptiſta Troumala ſum. Roſelia, Tit. Alienatio; Innocentius, Pannentan, with others the e cited.*

c *Dr. Barnes his works*, p. 195, 196. *Fox Acts and Monuments, vol.* 2. p. 332.

d *Radulphi de Diceto, Imagines Hiſtor. col.* 70. *Roger Hoveden Annal. pars poſter.* p. 726, 728, 731, 732. *Mat Paris in Rich* 1. *An.* 1193.

seriour Clergy-men the Tenth of their Tithes; and the Cistercian Monks all their Wools, towards his speedy ransom. Yea the (*d*) *Chronicle* of *Brompton* and others inform us, that the Kings Collectors wanting monies, after a double exaction of what they could scrape together from all parts, *Postremò ut nulla vacaret occasio ad* **vasa sacra et utensilia Ecclesiæ** *ventum est; Itaque per omnem Anglici regni latitudinem* **sacri Calices** *exactoribus regiis traduntur, vel paulò infra pondus redimuntur. Vasa etiam alia,* **Cruces Prælatorum, anuli cum auro de Sanctorum feretris abrasa sunt conflata,** * **Nec erat hoc secundum Patrum decreta illicitum, cum urgentissimus necessitatis articulus instaret.** *Nec ulla erat distinctio* (in this necessity) *Clerici & Laici, secularis & religiosi, rustici & urbani, sed omnes indifferenter juxtà substantiæ suæ vires vel redditum quantitatem pro redemptione Regia portionem suam solvere cogebantur. Privilegia, Prærogativæ,* **Immunitates Ecclesiarum tunc silebant penitus et vacabant.** *Omnis enim dignitas & libertas os suam oppilabat. Cistercienses quoque ordinis Monachi, qui ab omni exactione Regie hactenus immunes extiterant, tantò magis tunc onerati fuerant, quantò minus antea publici oneris senserant gravitatem. Exacti quoque & coacti lanam suarum ovium resignarunt.* And should not our Bishops and Cathedral men now for and towards his Majesties most glorious redemption, and his three whole Kingdoms ransom from near twelve years exile and captivity, and for the future settlement of our Churches, Kingdoms, in sound and lasting peace, in pursuance of his Majesties most gracious Declarations and Engagements at *Breda*, and the Generals and Parliaments Engagements before his happy return into *England*, to give competent satisfaction to Purchasers of their Lands, not only part with their antient Treasures, Chalices, Miters, Crosiers, Church Ornaments, Copes, but likewise with their late alienated Temporalties and Revenues for competent terms of years or lives, reserving the antient, or an improved rent, rather than violate the publick faith, peace of the King, Kingdom, Parliament,

d *Walsingham Ypodigma p.* 48. *Chron. Johannis Brompton, col.* 1256. *Higden, l.* 7. *c.* 28. *Henry de Knyghton, de Event. Angl. l. col.* 2408. *See Holinshed, Fabian, Grafton, Speed, Daniel, Baker in Rich.* 2. 1.

* *Nota.*

ament, oppugn his Majesties royal Commands, the Lords, Commons, Parliaments, Souldiers and Peoples desires, by unreasonable demands, or indiscreet, covetous and violent proceedings, against Purchasors and Tenants, which may indanger if not demerit the forfeiture, reseisiure, and new sales of all their Lands and Temporal Revenues in case of obstinacy and dis-satisfaction herein? The rather, because our Bishops by the Laws of *England*, before the Statute of 1 *Iac. c.* 3. and other restraining Acts, might with the consent of their Deans and Chapters, not only lawfully lease their Lands for how many years or lives they pleased, but likewise alien and sell the Inheritance thereof, or charge them with what Rent-charges they pleased, especially by the Kings consent, (*as the grant of a Rent-charge out of the Glebe of a Parsonage by the Patron or Ordinary in time of vacancy, or of the Parson, Patron and Ordinary joyntly to a Layman, shall bind the Successours in perpetuity*) as is evident by the Statutes of 37 H. 8. c. 16. 1 Jac. c. 3. 33 H. 8. c. 31. Littleton, sect. 648. Cooks 1. Institutes, f. 343, 344, 44, 45. and many other Lawbooks. Not to adde many Presidents to those forecited in so clear a case, it is registred by Bishop * *Godwin* of *Iohn Vossy* Bishop of *Exeter* in King *Edward* the 6th. his Reign, That of all the Bishops of the Land he was esteemed the best Courtier, being better liked for his civil Behaviour than his Learning, which in the end turned not so much to his credit, as to the spoyle of his Church, *for of twenty two Lordships and Manors which his Predecessors had left unto him, of a goodly yearly Revenue, he left but three, and them also leased out; and where he found* 13. *Houses and Palaces* (too many by 12. for any one Apostolical Bishop) *well furnished, he left only one House, bare and unfurnished, yet charged with sundry fees and annuities; whereby this Bishoprick, which sometime was accounted one of the best, became in Temporal Lands one of the meanest.* If then our Bishops and Cathedral men themselves may thus alienate, sell, charge, exchange their Temporal Lands and Possessions, or lease them out to their Wives, Children

* Catalogue of Bishops, p. 137.

Children, Kindred, Courtiers, Friends, without Sacrilege or Impiety; No doubt the King, Temporal Lords and Commons in Parliament, may much more alienate, leaſe, charge them upon any publick neceſſity, for the Kingdoms eaſe, peace, ſettlement, after ſo many years Wars and Revolutions, without any Sacrilege or Injuſtice, all circumſtances duly conſidered.

8ly. That the Lands formerly given to Abbies, Priories, Monaſtries, Templers, Hoſpitalers, and other Religious Orders, were dedicated to God and the Church, with greater Ceremonies and Solemnities, ratified by more Charters, Confirmations of our Kings and Parliamentary Councils, and by more ſolemn Anathemaes, Curſes, Excommunications, then any Lands ſetled on Biſhops, Deans, Chapters or Cathedrals, as the *Charters* themſelves yet extant, and our [g] *Hiſtories* reſolve beyond diſpute: Yet our Kings in all ages before and ſince the Conqueſt, have not only ſeized their Temporalties in times of War, but likewiſe detained them in their own hands, to their own uſe, and given them to their Officers, Captains and Souldiers, by way of pay or recompence for their ſalaries, and that both before and ſince the Conqueſt, as the Emperors of *Germany*, and Kings of *France*, *Spain*, *Hungary*, *Poland*, *Denmark*, *Sweden*, *Ruſsia*, have frequently done, and that of late years too, as well as antiently by the *Jeſuits* perſwaſion, who aſſirm it to be lawfull, and *Juſtas eſſe cauſas Monaſteriorum fundationes in meliores uſus convertendi jam* **Pontifex, Cæſar, Epiſcopi, Principes judicarunt et verbis et factis, Data ſunt Monaſteria in Belli ſumptus,** *data multa Epiſcopis, data ad ſeminaria, data Parochiis*, as *Alphonſus de Vargas*, *Relatio de Stratagem. Jeſuiticum*, c. 49. relates their words, which he amplifies from c. 43, to 54. I ſhall inſtance only in ſome few Domeſtick preſidents.

Beored King of the *Mercians*, in the years of Chriſt 870. and 871, when the invading barbarous *Danes*, plundered, ſacked, burnt ſundry Monaſteries, and the Mannors belonging to them, putting the Monks and Abbots they met

g Beda, Ingulphi Hiſtoria, Malmesbury de Geſtis Regum & Pontificum Angliæ, Mat. Paris, Mat. Weſtminſter, simæon Dunelmenſis, Radulfus de Diceto, Thom. Stubs Chronicon Gervaſii, Chronicon Johannis Brompton, Evidentiæ Eccleſ. Chriſti Cantuar. spelmanni concilia Tom. 1. Monaſticon Anglicanum. The Legger Books of moſt Abbies, Chartæ Antiq. and Patent Rolls in the Tower.

met with to the Sword, as well as others, without discrimination, seized upon divers Monasteries and their Lands, retaining most of them in his own hands, and giving the residue of them to his Commanders and Souldiers, for the better maintenance of his Wars and Forces against the *Danes*, for defence of the Kingdom and People, against their invasions, thus recorded by [h] *Ingulphus* Abbot of *Croyland*. *Beorredus* autem Rex Merciorum hoc intermedio cum Britonibus occupatus, qui crebris eruptionibus Occidentalem partem Regni sui Merciæ inquietabant, audiensque, Danos plagam ejus Orientalem plaga miserabili percussisse, venit Londonias: & contracto maximo exercitu, pertransiens per Regni sui plagas Orientales, totam Helienſem insulam fisco suo applicavit: procedensque in patriam Girniorum omnes terras de Medeshamstedensi monasterio in manum suam cepit, scilicet quicquid inter Stanford, Huntingdon, & Wisebeet dicto monasterio dudum pertinuerat; remotiores vero terras sparsim per patriam jacentes stipendiariis militibus exercitus sui assignavit: id fecit de terris monasterii S. *Pegæ* de * Reiford, quasdam sibi retinuit, quasdam militibus suis dedit: id fecit etiam de terris monasterii *Guthlaci* de Croyland, quasdam stipendiariis militibus distribuit, quasdam sibi confiscavit. Et licet venerabilis pater *Godricus* sæpius repetendo penes Regem & Ministros suos multos sudores consumeret, & chartas donatorum, Regumque confirmationes una cum suo proprio chirographo sæpissime ostenderet: nihil semper nisi vacua verba reportans, demum de negotii sui proposito penitus desperabat. Cernens itaque malitiam temporis nimiam, & * malitiam Regis terrarum cupidissimam, statuit tandem secum hujusmodi Regias donationes surdo tempore petransire, ac usque meliora tempora succederent, deinceps sub silentio dissimulare; lætus nimium, & exultans, quod totam circumjacentem insulam liberam, & ab omni exactione Regali absolutam multum specialius sibi, quam multis aliis monasteriis tunc contigerat, Regia gratia concessisset. Recesserunt

[h] Historia Francofurti 1601. p. 868, 869, 878, 879.

al. peikirk.

al. militiam.

ceſſerunt ergo illo tempore de dicto monaſterio **Croyland**, & uſque ad præſentem diem non redierunt illæ poſſeſſiones: ſcilicet manerium de **Spalding**, datum *Adelwulpho* Comiti, cum omnibus pertinentiis ſuis; manerium de **Deping**, datum *Langfero* militi, & panetario Regis, cum omnibus pertinentiis ſuis; manerium de **Croxton**, datum *Fernodo* militi, & vexillario Regis, cum omnibus pertinentiis ſuis; manerium de **Kirkoton** & **Kimerby** in **Lindeſie**, cum omnibus pertinentiis datum Comiti *Turgoto*. **Bukenhale** vero, & **Yalington** tunc fiſco appropriata, poſtea per induſtriam Domini *Turketuli* Abbatis **Croyland**, & donationem piiſſimi Regis * *Edred* reſtauratoris dicto monaſterio fuerant reſtituta. Similiter omnes cæteræ terræ aliquando Croylandiæ pertinentes, quas Rex *Beorredus* fiſco ſuo aſſumpſerat, ſcilicet, **Quarpelade**, **Sutturton**, **Langtoft**, **Baſton**, **Kepingale**, **Kirkby**, **Draiton**, **Chirning**, **Glaphtorn**, **Adington**, **Standon**, & **Badby**, per gratiam inclyti Regis *Edredi*, & diligentiam Abbatis *Turketuli* Croylandiæ (who redeemed them with very great ſums of money, whith he mentions p. 878, 879.) reddebantur. Tranſiens tunc Rex *Beorredus* cum ſuo exercitu in **Lyndeſie**, latiſſimas terras monaſterio de **Bardney** dudum pertinentes fiſco ſuo accepit; * immotas vero, & in diverſis patriis * diviſas jacentes, militibus ſuis dedit.

al. Edredi.

al. remotas.
al. jacentes diviſim.

Beſides, the ſame [i] *Ingulphus* records, that in the 6. year of King *Edward the Confeſſor*, (though a great Patron of Abbots, Monks and Monaſteries) *Anno Dom.* 1048. *Wulgat* Abbot of *Pegeland*, by ſundry ſutes in the Kings Courts of Juſtice, not only loſt the ſite of his Monaſtery, but after that, all the Mannors and Lands formerly given thereunto, after the Abbot of *Burge* hath recovered the former ſite of the Monaſtery, and enforced him to rebuild the Abby in another place. Illo in tempore venerabilis pater Dominus *Wulgatus* Abbas Pegelandiæ diutiſſimam calumniam paſſus ab Abbatibus Burgi *Elfino*, *Arwino* & *Leofrico*, Abbatiæ ſuæ ſedem amittens tandem ſuccubuit, & (proh nefas) totum ſitum

i Hiſtoria p. 895, 896.

monasterii sui judicio regalis curiæ perdidit. Tantum tunc potuit super justitiam pecunia, contra veritatem versutia, & in curia Regis *Hardecnuti* Comitis *Godwini* potentia. Cumque prædictus Abbas *Wulgatus* amisso situ monasterii sui, juxta proximi fluvii crepidinem, Weland nomine, in suo manerio magis vicino de Northamburgt fundamenta novi monasterii jeciisset, & illuc Abbatiam suam transferre disponeret, Ecclesiamque ac dormitorium cum cæteris claustralibus officinis, adjutus multorum fidelium Eleemosynis reædificare non segniter insudaret, *Fernotus* miles, & Dominus de Boswoxth dictum manerium de Northburt datum fuisse de progenitoribus ejus monasterio sanctæ *Pegæ*, & monachis ibidem Deo servientibus ex Abbatis propriis chirographis patenter ostendit. Unde consequenter allegavit, quod cum Deo & sanctæ *Pegæ* Abbas *Wulgatus* & monachi sui à modo ibidem non servirent, dictum manerium à modo non haberent. Acceptatum est hoc à Regis justitiario, & confestim adjudicatum est dictum manerium de Northburt cum omnibus suis pertinentiis prædicto militi *Fernoto*, & tanquam jus suum hæreditarium, de monachis Ecclesiæ sanctæ *Pegæ* alienatum perpetuò & sublatum. Quod cum per universum Regnum citius fuisset cognitum, scilicet Abbatem de Peikirk prius amisisse monasterium suum, & consequenter manerium ad monasterium quondam pertinens; similiter *Edmerus* miles & Dominus de Holbrok calumniam movit contra eundem Abbatem & monachos suos de manerio suo de Makley; & *Horsingus* de Wathe calumniatus est & pro manerio suo de Badington; & *Siwardus* Comes de manerio suo de Bernack; & *Hugolonus* thesaurarius de manerio de Helleston; & alii plures de aliis maneriis dicto monasterio dudum pertinentibus; & omnes eadem ratione in dicta causa contra monachos obtinuerunt; & tam de maneriis, quam de monasterio suo dictus Abbas de Peikirk & monachi sui nequiter ac crudeliter ejecti sunt: ut nunquam alicui veniat damnum solum. Cum itaque Abbas *Wulgatus* & conventus suus, monachi scilicet

licet 18. sic de monasterio destituti vagabundi & in proximo dispergendi in omnem ventum pro extrema miseria fluctuarent: misertus eorum piissimus rex *Edwardus* omnes in suam curiam suscepit, & usquequo eis provideret,, suam capellam, ac aulam quotidie frequentare imperavit. If then Lands formerly dedicated to God and Monasterial Churches, may thus be taken away and recovered from them by Law, without sacriledge or injustice; they may by like reason upon most occasions be alienated and taken from them by the King, Parliament, and Temporal Lords.

(*k*) *Gualther Mapes*, and (*l*) Mr. *Cambden* out of him inform us, that in King *Edward the Confessors* reign, *Godwin* Earl of *Kent* having a design to gain the Manor of *Barkley* in *Glocester-shire* to himself, belonging to a Nunnery there situated where the Castle now stands, passing by the Nonnery, left his Nephew, a very beautifull and elegant young man in the Nunnery, who lodged therein so long under pretext of sickness, that with his costly Gifts, Beauty and Courtship, he so far corrupted the chastity of the Abbesse and Nuns, (who attended him by turns) *that he begat and left them all great with childe, and turned these Lambs into Wolves.* After which posting thence to Earl *Godwin*, and acquainting him therewith; he thereupon informing the King that the *Abbesse and all the Nuns were prostituted Strumpets, and great with Childe*; the King issued a *Commission* to enquire thereof, and finding it to be true, the Nuns were cast out, and the Manor given to Earl *Godwin*, who begged it of the King, from whom it came to the *Barons of Barkly*, who have enjoyed it as the Head of their Barony for many Generations, without any Sacriledge or Impiety. By the Common law of *England* our Kings in all Ages by their Prerogative Royal in times of war, danger, and upon sundry other occasions have seised the Lands, Benefices, Rents, Revenues, Monies, Goods of Priors, Abbots, Monks, and other Ecclesiastical Persons, who were aliens to their own uses, without Sacriledge or Impiety; as is evident by the Fine Rolls of 23 E. 1. m. 1, 2. clauf. 23 E. 1. dorf, 4. cl. 24 E. 1. m, 11. clauf. 25 E.

k *De Nugis Curialium.*

l *In his* Britannia, *Glocester-shire, p.* 177, 178. *See* John Bale *his Acts of English Votaries.*

1.

1. dorſ. 12, 20, 22. clauſ. 20 E. 2. dorſ. 9. Rot. Fin. 20 E. 2. m. 9. Rot. Fin. 14 E. 3. m. 11, 12, 18, 19, 20, &c. cl. 15 E. 3. pars 3. dorſ. 6. Rot Fin. 16 E. 3. m. 26. cl. 19 E. 3. pars 1. m. 17. Rot. Fin. 33 E. 3. m. 26. and ſundry other *Fine* and *Clauſe Rolls* in the Tower, *by ſundry* (m) *Parliament Rolls*, and our (n) *Lawbooks* too. And upon the Commons Petition in the Parliament of 2 *H.* 4. (o) the Prior aliens Lands were not only ſeiſed into the Kings hands, but likewiſe ſold and alienated into Lay-mens hands, to maintain the wars againſt the *French* and *Welſhmen*.

To pretermit all particular ſeiſures, alienations, ſales, ſubſtractions of Abbots, Priors, Monaſteries, and Religious Perſons Lands, mentioned in our Hiſtories and Records, the reſpective Parliaments of 27 H. 8. 31 H. 8. c. 13. 37 H. 8. c. 1. 1 E. 6. c. 14 by ſeveral Acts (collected by *Raſtall*, Title, *Monaſteryes*) upon Mr. *Fiſh* his ſupplication of *Beggars*, ſeveral Petitions and Complaints of the Commons, and Inquiſitions taken upon oath, and returned into the Exchequer of the Sodomitical, adulterous, incontinent, vitious lives of Abbots, Monks, Nuns, and other religious Perſons, remaining on Record in the Exchequer, publiſhed at large by *Iohn Speed* in his Hiſtory, *Weaver*, and (o) others, totally ſuppreſſed all Monaſteries, Priories, Nunneries, Cells, and other religious Houſes, and ſetled the inheritance of all their Lands, Rents, Revenues, Poſſeſſions whatſoever in the Crown of *England*, and that without any ſacriledge, impiety or injuſtice; never ſince reſumed, nor ever likely to be reſtored to them in ſucceeding Ages, being for the moſt part alienated, ſold and diſtributed by our Kings into the hands of the Nobility, Gentry, Commonalty and Corporations of the Kingdom; and into the hands of all or moſt of the Archbiſhops, Biſhops, Deans, Chapters, Prebends, Colleges in *England* & *Ireland*; who repute it neither Sin, nor Sacriledge in themſelves to receive, detain, enjoy thete Monaſtical Lands and Poſſeſſions; out of whoſe ſpoyles the Biſhopricks Deans and Chapters of *Gloceſter*, *Cheſter*, *Oxford*, *Peterborough*, and *Weſtminſter* it ſelf were

m See my Exact Abridgement of the Records in the Tower, p. 23, 45, 69, 103, 110, 129, 161, 331, 405, 405, 409, 418, 434, 455, 457, 527, 611, 2 H. 4. Rot. Parl. n. 58. 5 H. 4. rot. Parl. n. 34, 66, 87.

n Tr. 33 E. 1. Fitz. Bif. 2 61. 14 E. 3. Qu. Imp. 52. 7 E. 2. 10, 18 E. 3. 38, 19 E. 2. Aide le roy, 61. 20 E. 3. Act. 2. 21 E. 3. 24. 44. 22 E. 3. 6, 15, 41. 25 E. 3. 38. 27 Aſſ. 48. 29 E. 3. 7. 29 Aſſ. 7, 21, 51. Aſſ. 27. 33 E. 3. Qu. Imp. 195. 98 Aſſ. 21. 44 E. 3. 16. 46 E. 3. 2 H. 4. 15. 11. H. 4. 28. 13 H. 4. 10. 14 H. 4. 10, 19, 26. 7 E. 4. 30. 2 H. 7. 13. 21 H. 7. c. 7 Kerlw. f. 35. Stamfords Prerogatives. 13 Coke 4. Reports f. 57, 95. 7 Rep. P. 19.

o *Walſingham*, *Hiſt. Angl.* p. 415 *Ypodigma*, p. 106. *Antiqu. Eccleſ. Brit.* p. 208.

p *Fox Acts and Monuments*, vol. 2.

q *See John Bale his Acts of Engliſh Votaries.*

firſt erected by Parliaments and Statutes of 31 H.8.c 15.33 H.8.c.31,34,& 35 H.8.c.12,15,17. and the Letters Patents of King *Henry* the eight, under his Great Seal, tranſlating the Conventual Churches of *Briſtol*, *Gloceſter*, *Oxford*, *Peterborough*, and *VVeſtminſter* into Cathedral *Churches*, and *Sees* of *Biſhops*, and the *Abbots*, *Priors*, *Covents* of theſe *Churches* into *Biſhops*, *Deans*, *Chapters*, limiting the bounds of their Dioceſſes (taken out of other antient Biſhopricks) and granting them all their Epiſcopal and Eccleſiaſtical Juriſdiction, as derived only from our Kings, the Supream heads of the Church of *England* under Chriſt, and to be exerciſed only in their Names, Stiles, Rights, ſteeds by theſe Biſhops and their Officers, as the Statutes of 26 H. 8. c. 1. 37 H. 8. c. 16, 17. 1 Edw. 6. c. 2. 1 Eliz. c. 1. 5 Eliz. c. 1. 8 Eliz. c. 1. and their very Patents reſolve us; not by any real, or adherent Divine Epiſcopal Juriſdiction derived to them immediately from Chriſt himſelf. If then it were neither Sacriledge, Impiety, nor Injuſtice in theſe Parliaments and our Kings, to take away, ſell, alienate theſe Lands and Revenues of Priors, Monks, Monaſteries, and divert them from their primitive uſes, as our Biſhops, Deans and Chapters muſt grant as well as others; or elſe renounce reſign moſt of the Temporalties, Rents, Appropriations and Revenues they now enjoy, originally belonging to Monaſteries; then by the ſelf-ſame reaſon, it can be no Sacriledge, impiety or injuſtice, for the King, Lords, Commons and Parliament upon the like grounds and conſiderations to take away, ſell, alienate the temporal Lands of *Biſhops*, *Deans* and *Chapters*, if they offend, or obſtinately refuſe to give the late Purchaſers of them competent ſatisfaction, for the Kingdoms Peace and Tranquility, upon their commands and votes.

* *See the Patent Rolls of* 3. *&* 34, *&* 35, *&* 36 *H* 8.

9ly. That is evident by our (a) *Hiſtories*, *Records*,

a Beda, *Ingulphus*, *Mat. Weſtminſter*, *Mat. Paris*, *Simeon Dunelm*. *Thomas Stubs*, *Gervaſius Dorobernenſis*, *Ricardus Haguſtaldenſis*, *Spelmanni Concil. Tom. 1. Monaſticon Anglicanum*, *Antiqu. Eccleſ. Brit. Godw. Catalogue of Biſhops*, *Evidentiæ Eccleſiæ Chriſti Cantuar. Chartæ Antiquæ*; *and the Patents Rolls in the Tower.*

Leager-books,

Leager-books, that all or most of the Manors, Lands, Tenements in *England* and *Wales*, now in the possession of the King, Queen, Nobility, Gentry, and Commons of *England*, have heretofore in some Age or other been solemnly consecrated, devoted, and given by their Ancestors to some Cathedral, or Collegiate Church, Abby, Priory, Nunnery, Cell, religious House or other, or else (b) *by art, fraud, monyes vested in and setled on them in perpetuity as the Churches Patrimony*; Yet notwithstanding they have been alienated, substracted or taken wholy from them in successive Ages, and the inheritances of them setled in our Kings, Nobles, Gentry and Yeomanry, without any scruple of Consciences, or real or imputed guilt of Sacriledge. From whence it inevitably followeth, (c) *That if the greatest part of all the Temporalties, Lands and Revenues which our Archbishops, Bishops, Deans, Chapters, Prebends, Abbots, Priors, Monks, Templars, Hospitallers*, and other Ecclesiastical or religious persons, formerly enjoyed by as good right, title, in Law, Conscience, as those now or any of them yet enjoy them, might be lawfully alienated, or justly taken from them by our Kings, Parliaments, and Temporal Lords, and may be still detained from them by the Purchasers of them, their Heirs or Assigns, without Sacriledge, Impiety, or Injustice; Then by the self same reason, the Lands and Temporalties they lately possessed or yet possess, may upon any publick necessity or just occasion be alienated, sold and taken from them by our Kings, Parliaments, Lords and Common, without the guilt of Sacriledge or Impiety; so as there be a competent maintenance left for the Evangelical Ministers, Bishops and Pastors of Parochial Churches, for the instruction, edification and salvation of the Peoples souls committed to their charge; There being the self-same * reason of Sacriledge, and no Sacrilege, in alienating, substracting, selling, detaining the major part of their Lands & temporalties as of the Minor: Or else if it be real Sacriledge to alienate, sell, detain any parcels of Lands or Temporalties, formerly given

b *Magna Charta*, c. 36. 7 E. 1. *Rastal's Mortmain* 2. 15 R. 2. c. 5. *See Brook and Ash, Tit. Mortmain, & Abby.*

c *See Rastals Abridgement, Tit. Monasteries*, 37 H. 8. c. 16.

* *If it be a real Sacriledge to alienate any Lands or Houses formerly dedicated to religious, idolatrous or superstitious uses as Prelatical Clergymen assert; then all such Lands ought to be restored to their primitive uses, or else none at all.*

given by our antient Parliaments to others, or vested in the Church or Church-men; then all our Kings, Parliaments, Nobles, Commons, must be actually guilty of these sins; and as far forth obliged in Justice, Conscience, to make full restitution of all Church-lands whatsoever, formerly alienated or substracted, as the late Purchasers of Bishops and Cathedral Lands, and then the whole Kingdom, or farre greatest part thereof, must henceforth become the Churches and Churchmens Patrimony, and our Kings, Nobles, Gentry, Commonalty of all degrees, their mere Homagers, Vassals, Farmers, and Tenants at sufferance; the antiquity of former alienations, sales of Church-lands by our Ancestors, if Sacrilegious and Impious, rather aggravating, than extenuating the Crime; but no wayes justifying the Legality thereof; it being a Maxime in our Law, (d) *Quod ab initio non valet, tractu temporis non convalescit*, and a Principle in Divinity, *that the* (e) *older any sin is, and the longer persevered in, the more execrable, and fit to be repented, redressed*: and that (f) Heirs, Assignees, and Successors are *obliged to make restitution of sacrilegious Rapines, as well as the immediate Authors of them.*

d *Regulæ juris.*
e 1 *Cor.* 5. 7, 8. *Col.* 3. 9. 1 *Pet.* 1. 18.
f *Alexander Alensis Sum. Theol. pars* 4. *quæst.* 24. *Summa Angelica, & summa Rosella, Tit. Restitutio.*

10ly. That the Dispensation and Indulgence of Pope *Julius the* 3*d.* himself, Cardinal *Pole* Archbishop of *Canterbury* his Legate, upon the Petition of all the Bishops and Clergy of *England*, though Papists, and the memorable Act of the whole Parliament of 1, & 2 *Philip & Mary*, *c.* 8. reciting them, and confirming all alienations, seisures, sales of the Lands, Manors, Rents, Revenues, Goods, as well of Archbishops, Bishops, Deans, Chapters, Prebends, Cathedrals, as of Abbots, Priors, Monks, and other Religious Persons and Monasteries, made by our Kings, or Parliaments to the Crown, and the Purchasers of all and every of them, and their Heirs, from the twentyeth year of King *Henry* the 8th. till the first of Queen *Mary*, during their revolt and pretended sciisme from the Church of *Rome*, and of all Ordinations, Presentations, Ecclesiastical Sentences and Proceedings,

for the publick peace, benefit, tranquility of the Church and Realm of *England*, and satisfaction of Purchasors, may for ever silence our Prelates and Cathedral mens loud cryes against the sacriledge of the late Sellers and Buyers of Bishops and other Cathedral mens Lands, and enduce them to give the Purchasors of them full satisfaction by confirming their sales for a competent time. For which end I shall transcribe so much of that memorable Act as concerns our present case and condition.

1 & 2 Phil. & Mary, ch 8.

We the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, representing the whole body of this Realm, reduced received by your Majesties intercession to the unity of Christs Church, and the obedience of the Sea Apolike of *Rome*, and the Popes holyness governing the same, make most humble suite unto your Majesties, to be likewise means and intercessours, that all occasions of contention, hatred, grudge, suspition and trouble, both outwardly and inwardly in mens Consciences, which might arise amongst us, by reason of disobedience, may by authority of the Popes holyness, and by ministration of the same unto us, by the most reverend Father in God the Lord Cardinal *Poole*, by dispensation, toleration, or permission respectively, as the case shall require, be abolished and taken away, and by authoritie sufficient these Articles following, and generally all others, when any occasion shall so require, may be provided for, and confirmed.

First, that all Bishopricks, Cathedral Churches, Hospitals, Colleges, Schools, and other such foundations now continuing, made by authority of Parliament, or otherwise established, according to the order of the Laws of this Realm, sithens this scisme, may be confirmed and continued for ever.

Item that mariages made *infra gradus prohibitos consanguinitatis, affinitatis, cognationis spiritualis*, or which might be made void *propter impedimentum publicæ honestatis*

ſtatis, juſtitiæ, or for any other cauſe, prohibited by the Canons only may be confirmed, and children born of thoſe mariages declared legittimate, ſo as thoſe mariages were made, according to the Laws of the Realm for the time being, and be not directly againſt the laws of God, nor in ſuch caſe, as the Sea Apoſtolike hath not uſed to diſpence withal'.

That inſtitutions of Benefices, and other promotions eccleſiaſtical and diſpenſations, made according to the form of the Act of Parliament, may be likewiſe confirmed.

That all judicial Proceſſes, made before any Ordinaries of this Realm, or before any Delegates upon any Appeals, according to the order of the Laws of the Realm, may be likewiſe ratified and confirmed.

And finally where certain Acts and Statutes have been made in the time of the late ſciſme, concerning the lands, and hereditaments of Archbiſhopricks, and Biſhopricks, the ſuppreſſion, and diſſolution of Monaſteries, Abbyes, Priories, Chauntries, Colleges, and all other the Goods and Cattels of religious Houſes. Since the which time, the right and dominion of certain Lands, and hereditaments, goods and cattels belonging to the ſame, be diſperſed abroad, and come to the hands and poſſeſſions of divers and ſundry perſons, who by gift, purchaſe, exchange, and other means, according to the order of the Laws and Statutes of this Realm, for the time being have the ſame. For the avoiding of all ſcruples that might grow by any the occaſions aforeſaid, or by any other wayes or means whatſoever: It may pleaſe your Majeſties, to be Interceſſours and Mediatours to the ſaid moſt reverend Father, Cardinal *Pole*, that all ſuch Cauſes and Quarrels as by pretence of the ſaid ſciſme, or by any other occaſion, or mean whatſoever, might be moved by the Popes holyneſſe, or Sea Apoſtolike, or by any other Juriſdiction Eccleſiaſtical, may be utterly removed and taken away, ſo as all perſons having ſufficient conveyance of the ſaid Lands, and here-

ditaments, Goods and Cattels, as is aforeſaid, by the Common Laws, Acts or Statutes of this Realm, may without ſcruple of Conſcience enjoy them without impeachment or trouble, by pretence of any general Councel, Canons or Eccleſiaſtical Laws, and clear from all dangers of the cenſures of the Church.

Nota.

And conformable hereunto, the Biſhops and Clergy of the Province of *Canterbury* have preſented to your Majeſties a ſupplication in this tenour that followeth.

The Supplication of the Clergy.

Nos Epiſcopi & Clerus Cantuarienſis provinciæ in hac Synodo more noſtro ſolito, dum Regni Parliamentum celebratur, congregati, cum omni debita humilitate & reverentia, exponimus Majeſtatibus veſtris, quòd licet Eccleſiarum, quibus in Epiſcopos, Decanos, Archidiaconos, rectores, & vicarios præfecti ſumus, & animarum, quæ nobis & curæ noſtræ ſubjectæ ſunt, & earundem bonorum juriſdictionum, & jurium, ex ſacrorum Canonum diſpoſitione, defenſores et curatores conſtituti ſumus, et propterea ipſarum bona, juriſdictiones, et jura in pernicioſo hujus Regni præterito ſciſmate deperdita et amiſſa, omni ſtudio, & totis noſtris viribus, recuperare, & ad priſtinum Eccleſiarum jus revocare, juris remediis niti deberemus:

Nichilominus tamen habito prius per nos ſuper hac re maturo Conſilio, & deliberatione ingenuè fatemur, nos optimè cognoſcere, quàm hæc bonorum Eccleſiaſticorum difficilis, & quaſi impoſſibilis eſſet recuperatio propter multiplices, ac pene inextricabiles ſuper his habitos contractus, & diſpoſitiones, & quòd ſi ea tentaretur, quies & tranquillitas Regni facilè perturbaretur, & vnitas Eccleſiæ Catholicæ, quæ jam pietate, & auctoritate Majeſtatum veſtrarum hoc in Regno introducta eſt, cum maxima difficultate ſuum debitum progreſſum; & finem ſortiri non poſſet. Ideo nos bonum & quietem publicam privatis commoditatibus, & ſalutem tot animarum præcioſo Chriſti ſanguine redemptarum terrenis bonis anteponentes, & non quæ noſtra, ſed quæ Jeſu Chriſti ſunt quærentes, Majeſtates veſtras enixè rogamus, eiſque humiliter ſupplicamus, ut reverendiſſimo in Chriſto patri, Domino Reginaldo Cardinali Polo, ad ipſas & univerſum hoc Angliæ regnum ſanctiſsimi Domini noſtri,

Nota.

Nota.

Domini

Domini Julii, Papæ tertii, & Apostolicæ sedis de latere legato, hæc nomine nostro insinuare, & apud eum intercedere dignentur, ut in hiis bonis Ecclesiasticis in parte, vel in toto arbitrio suo juxta facultates sibi ab eodem sanctissimo Domino nostro Papa concessas, eorundem bonorum detentoribus elargiendis et relaxandis publicum bonum privato; pacem & tranquillitatem dissidiis, & perturbationibus, atque animarum salutem bonis terrenis præferre, & anteponere velit, Nos enim in omnibus quæ ab ipso legato statuta, & ordinata circa hæc bona fuerint, exnunc, prout extunc, & econtra consensum nostrum præstamus, imo etiam ut in præmissis se difficilem aut restrictum reddere non velit, Majestates vestræ nostro nomine eum hortari, & rogare dignabuntur. Nota. Nota.

Forasmuch as the said most Reverend Father the Lord Legate, at the intercession of your Majesties, hath by the authoritie of the Sea Apostolike, sufficiently dispensed in the matters specified in the said several Supplications, as in his said Letters of Dispensation is contained more at large. The tenour whereof ensueth.

The Dispensation of the Cardinal.

Reginaldus miseratione divina Sanctæ Mariæ in Cosmodin Sanctæ Romanæ Ecclesiæ Diaconus Cardinalis Polus nuncupatus, ad Serenissimos Philippum & Mariam, Angliæ Reges, fidei defensores, & universum Angliæ regnum, Sanctissimi Domini nostri Papæ, & sedis Apostolicæ de latere legatus, eisdem Serenissimis Philippo & Mariæ Regibus salutem in Domino sempiternam. Cùm supremum Consilium istius regni Parliamentum nuncupatum Majestatibus vestris, per suos supplices libellos exposuisset, quòd perniciosissimo scismate, in hoc regno aliàs vigente, quod nunc dei misericordia, & Majestatum vestrarum pietate extinctum est, auctoritatem ipsius Parliamenti, nonnulli Episcopatus divisi, & ex his aliquæ inferiores Ecclesiæ, in Cathedrales erectæ, & scholæ, atque hospitalia fundata, necnon plurimæ dispensationes & beneficiorum provisiones factæ fuerunt, ac multæ personæ quibus persuasum fuerat, Juris Canonici dispositiones, hoc in Regno amplius locum non habere: inter se in gradibus consanguinitatis vel affinitatis

affinitatis de jure prohibitis, & aliis impedimentis Canonicis sibi obstantibus matrimonia, per verba de præsentii contraxerunt, & multi actus judiciarii, & processus, tam in primis, quam ulterioribus instantiis super rebus spiritualibus, & Ecclesiasticis coram Judicibus tam Ordinariis quam delegatis, qui authoritate laicali procedebant, habiti & servati, ad super eis etiam sententiæ latæ, & promulgatæ fuerunt, & bona Ecclesiastica per diversas eiusdem regni personas occupata, & apprehensa fuerunt. Quæ quidem licet ex sacrorum Canonum institutis irrita declarari possent, tamensi ad alium statum, quam in quo nunc sunt, revocarentur, publica pax, & quies universi regni turbaretur, & maxima confusio oriretur, præsertim si dictorum bonorum possessores molestarentur, & propteria majestatibus vestris humiliter supplicaverint, ut apud nos intercedere dignentur, ut premissarum rerum firmitati, & stabilitati, & simul hujus regni quieti, et tranquilitati de benignitate Apostolica providere velimus. Cumque Episcopi quoque deinde, ac reliquus provinciæ Canterburiensis Clerus totum fere corpus Ecclesiasticum regni representans, ad quos hæc bonorum Ecclesiasticorum causa maxime pertinet, exposuerint, quod hæc bona ad jus ecclesiarum re vocare non possunt, cuin pax universalis, et quies hujus regni turbetur, et causa fidei atque unitatis Ecclesiæ, jam toto omnium consensu hoc in regno introducta, in maximum periculum adducatur, et propterea ipsi quoque supplicaverint, ut apud nos intercedere velint, ut in his bonis Ecclesiasticis possessoribus relaxandus restricti et difficiles esse nollemus, majestates autem vestræ, ad quas maxime spectat providere, ut regnum ipsarum potestati, regimini et curæ commissum in pace et tranquillitate conservetur. His supplicationibus et postulatis cognitis et mature consideratis, judicaverint ea omnia, et maxime illæ, quæ in bonorum Ecclesiasticorum causa petuntur, pro causa fidei et pro pace publica, per nos debere sine ulla dilatione concedi, et quemadmodum rogatæ fuerunt, apud nos intercedere dignatæ fuerint, prout in supplicationibus per idem supremum consilium, et Episcopos ac clerum præfatum majestatibus vestris porrectis, atque in libello intercessionis per easdem majestates vestras nobis simul cum aliis supplicationibus exhibito, latius apparet. Idcirco nos

qui

qui ad majestates vestras, *et hoc nobilissimum vestrum regnum à Sanctissimo Domino nostro Julio Papa tertio ipsius et sedis Apostolicæ de latere legati missi sumus, ut regnum istud, quod jam diu ab Ecclesiæ Catholicæ unitate separatum fuerat, Deo et Ecclesiæ Christi, ejusque in terris vicario reconciliaremus: et ut ea omnia quæ ad pacem et tranquillitatem hujus regni pertinerent, omni studio procuraremus, postquam dei benignitate, et majestatum vestrarum pietate, per authoritatem ejusdem Sanctissimi Domini nostri Papæ, cujus vices hic sustinemus, reconciliatio jam facta est, ut paci et tranquillitati regni præfati consulamus, atque ut unitas Ecclesiæ, ex qua salus tot animarum præcioso Christi sanguine redemptarum dependet, hoc in regno jam introducta corroboraretur, et salva permaneat, cùm utriusque rei stabilitatem in eo maximo consistere, si horum Ecclesiasticorum bonorum possessoribus molestia nulla inferatur quo minus ea teneant, tot et tam gravia testimonia nobis fidem faciant, et majestatum vestrarum intercessio, quæ pro unitate Ecclesiæ, et sedis Apostolicæ authoritate hoc in regno instauranda tam studiosè, & tam piè elaborarunt, eam quam par est authoritatem apud nos habeat, & ut universum hoc regnum sedis Apostolicæ maternam verè indulgentiam, & charitatem erga se agnoscat, & re ipsa experiatur:* quoscunque ad quos infra scripta pertinent, à quibusvis excommunicationis, suspensionis, et interdicti, aliisque Ecclesiasticis sententiis, censuris, & pœnis à jure, vel ab homine quavis occasione vel causa latis, si quibus quomodolibet innodati existunt, ad effectum præsentium dumtaxat consequendum *harum serie absolventes, & absolutos fore consentes, authoritate Apostolica, per litteras Sanctissimi domini nostri D. Julii Papæ tertii nobis concessa, & qua fungimur in hac parte, tenore præsentium dispensamus: quod omnes & singulæ* 11. Cathedralium Ecclesiarum erectiones, hospitalium, et scholarum fundationes *tempore præteriti schismatis, licet de facto et nulliter attentatæ in eo statu, in quo nunc sunt, perpetuo firmæ et stabiles permaneant, illisque Apostolicæ firmitatis robur adjicimus, ita ut non ea authoritate, qua prius, sed ea, quam nunc eis tribuimus, factæ ab omnibus censeantur, et cum omnibus et singulis personis regni prædicti, quæ in aliquo consanguinita-*

Cathedral Churches, Hospitals and Schools.

2. Mariages and Children.

guinitatis vel affinitatis gradu etiam multiplici, vel cognationis spiritualis, seu publicæ honestatis justitiæ impedimento de jure positivo introductis, & in quibus sanctissimus Dominus noster Papa dispensare consuevit, matrimonia scienter vel ignoranter de facto contraxerint, ut aliqua impedimentorum præmissorum, non obstante eorũ matrimoniis sic contractis, libere, & licite remanere, seu illa de novo contrahere possint, misericorditer in Domino dispensamus, prolem susceptam, suscipiendam legitimam, decernentes; ita tamen ut qui scienter & malitiosè contraxerint, à sententia excommunicationis, & ab incestus seu * sacrilegii reatu, absolutionem a suo ordinario, vel curato, quibus id faciendi facultatem concedimus, obtineant, ac omnes Ecclesiasticas seculares, seu quorumvis ordinum regulares personas quæ aliquas impetrationes, dispensationes, concessiones, gratias, & indulta, tam Ordines quàm beneficia Ecclesiastica, seu alias spirituales materias prætensa auctoritate supremitatis Ecclesiæ Anglicanæ, licet nulliter, & de facto obtinuerint, & ad cor reversæ Ecclesiæ unitati restitutæ fuerint, in suis Ordinibus, & beneficiis per nos ipsos, seu à nobis ad id deputatos misericorditer recipiemus, prout jam multæ receptæ fuerunt, secumque super his opportunè in Domino dispensavimus. Ac omnes processus in quibusvis instantiis coram quibusvis judicibus, tam ordinariis quàm delegatis, etiam laicis super materiis spiritualibus habitos & formatos, et sententias super eis latas, licet nulliter et de facto, quoad nullitatem ex defectu jurisdictionis præfato tantum insurgentem sanamus, illosque et illas auctoritate Apostolica confirmamus. Ac quibusvis hujus regni personis, ad quarum manus bona Ecclesiastica ex quocunque contractu seu titulo oneroso vel lucrativo jam devenerint, illaque tenuerint, seu etiam teneant, omnes et quoscunque fructus ex eisdem bonis, licet indebitè perceptos, in totum remittimus et relaxamus. Volentes ac decernentes, quòd dictorum bonorum Ecclesiasticorum tam mobilium quàm immobilium possessores præfati non possint in præsenti, nec in posterum, seu per Conciliorum generalium, vel provincialium dispositiones, seu decretales Romanorum pontificum Epistolas, seu aliam quamcunque censuram Ecclesiasticam in dictis bonis, seu eorundem possessione molestari, inquietari, vel perturbari, nec

proviſio.

* Such mariages defined Sacrilege by this Cardinal.

3. Dispensations and privileges.

4. Proces judicial.

5. Possessors of Church-goods.

nec eis aliquæ censuræ vel pœnæ Ecclesiasticæ propter hujusmodi detentionem, seu non restitutionem irrogari vel infligi, & sic per quoscunque judices & auditores sublata eis, qua suis aliter judicandi & interpretandi facultate, & auctoritate judicari & diffiniri debere, & quicquid secus attemptari contigerit, irritum & inane fore decernimus, non obstantibus præmissis defectibus, & quibusvis Apostolicis, ac in provincialibus, & synodalibus conciliis editis, specialibus vel generalibus constitutionibus, cæterisque contrariis quibuscunque. Admonemus tamen cum divisio Episcopatuum, & erectio Cathedralium Ecclesiarum sint de majoribus causis, quæ summo Pontifici sunt reservatæ, recurrendum esse ad suam Sanctitatem, & ab ea suppliciter postulandum, ut hæc confirmare, seu de novo facere dignetur. Et licet omnes res mobiles Ecclesiarum indistinctè iis, qui eos tenent relaxaverimus, eos tamen admonitos esse volumus, ut ante oculos habente divini judicii severitatem contra Balthasarem Regem Babilonis, qui vasa sacra non à se, sed à Patre è templo ablata in prophanos usus convertit ea propriis Ecclesiis si extant, vel aliis restituant. Hortantes etiam, & per viscera misericordiæ Jesu Christi obsecrantes eos omnes, quos hæc res tangit, ut salutis suæ non omnino immemores, hoc saltem efficiciant, ut ex bonis Ecclesiasticis, maxime iis, quæ ratione personatuum & vicariatuum populi ministrorum sustentationi fuerint specialiter destinata, seu aliis Cathedralibus, & aliis quæ nunc extant, inferioribus Ecclesiis curam animarum exercentibus ita provideatur, et earum pastores, personæ et vicarii commodè, et honestè juxta eorum qualitatem, et statum sustentari possint, et curam animarum laudabiliter exercere, et onera incumbentia congruè supportare. Datum Lambeth prope Londinum Wintonien. Dioceſſ. Anno Nativitatis Domini Millesimo, quingentesimo, quinquagesimo quarto. Nono Cal. Januarii Pontif. Sanctissimi in Christo patris, et Domini nostri, Domini Iulii, divina providentia Papæ tertii. Anno quinto.

Reginaldus Cardinalis Polus Legatus.

We the said Lords Spiritual and Temporal, and Commons in this present Parliament assembled, rendering

moſt humble thanks to your Majeſties, by whoſe interceſion and means we have obtained the ſaid Diſpenſations of the Popes holyneſs by the moſt reverend Father in God, his Legate, moſt humbly beſeecheth the ſame, that it may be ordained as followeth.

And therefore be it enacted by the Authority of this preſent Parliament, that all and ſingular Articles and Clauſes contained in the ſaid Diſpenſation, as well touching the eſtabliſhment of Biſhopricks, and Cathedral Churches, as alſo the confirmation of mariages in degrees prohibited by the Canons of the Church, the legitimation of Children, and the ratification of Proceſs, and of Sentences in matters Eccleſiaſtical, touching the invalidity of them for want of Juriſdiction, and the inſtitutions and deſtitutions, of, and in Benefices and Promotions eccleſiaſtical, diſpenſations, and graces, given by ſuch order, as the publick Laws of the Realm then
Nota. approved, and all other things before contained, in the ſaid Letters of diſpenſation, ſhall remain and be reputed and taken, to all intents and conſtructions in the Laws of this Realm, lawfull, good, and effectual to be alleged and pleaded in all Courts eccleſiaſtical and temporal, for good and ſufficient matter, either for the Plaintiff or Defendant, without any allegation, or objection, to be made againſt the validity of them, by pretence of any general Councel, Canon, or Decree, to the contrary made, or to be made in that behalf.

And whereas divers and ſundry late Monaſteries,
Nota. Priories, Commandries and late Nunneries, Deaneries, Prebends, Colleges, Hoſpitals, Houſes of Fryers, Chauntries, and other religious eccleſiaſtical Houſes and places, and the Manors, Graunges, Meſſuages, Lands, Tenements, Rectories, Tithes, Pentions, Portions, Vicarages, Churches, Chapels, Advowſons, Nominations, Patronages, Annuities, Rents, Reverſions, Services, and other Poſſeſsions and Hereditaments to the late Monaſteries, Priors, Nunneries, Commaundries, Deaneries, Chauntries, Prebends, Houſes of Fryers, Colleges, Hoſpitals,

Hoſpitals, and other religious and eccleſiaſtical Houſes and Places, and to ſundry Archbiſhopricks and Biſhopricks within this Realm, late appertaining and belonging, came as well to the hands and poſſeſsion of the ſaid King of famous memory *Henry* the 8. father unto your Majeſty, our ſaid Soveraign Lady by diſſolution, gift, grant, ſurrender, attainder, or otherwiſe, as alſo to the hands and poſſeſsion of divers and ſundry other perſons, and bodies politick and corporate, by ſundry means, conveyances, and aſſurances, according to the order of the Lawes and Statutes of this Realm. *Nota.*

And where alſo divers Manors, Lands, Tenements, and Hereditaments, parcel of the poſſeſsions of Archbiſhoprick and Biſhopricks, and many and ſundry late Deaneries, Colleges, Chauntries, Rectories, Prebends, free Chapels, Guyldes, and Fraternityes, Manors, Houſes, Graunges, Lands, Tenements, Rents, Services, and other Eccleſiaſtical Poſſeſſions, Hereditaments, Goods, and Cattels to the ſaid Archbiſhopricks, Biſhopricks, Deaneries, Colleges, Chauntries, free Chapels, Rectories, Guyldes, and Fraternityes, late appertaining and belonging, or appointing, to and for the finding of Prieſts, Obyttes, Lyghts, or other like purpoſe, came as well to the hands and poſſeſſion of the late noble King *Edward* the ſixth, Brother unto your Majeſty Soveraign Lady, by vertue of an Act of Parliament therof made, or otherwiſe, as alſo the hands and poſſeſsions of divers & ſundry other perſons, and bodies politick and corporate by ſundry means, conveyances and aſſurances, according to the order of the Laws of this Realm: a great number of which ſaid late Monaſteries, Priories, Nunneries, Commaundries, Deaneries, Colleges, Hoſpitals, Prebends, Chauntries, free Chapels, Guyldes, and Fraternities, and the Manors, Granges, Meſſuages, Lands, Tenements, Rents, Reverſions, Services, Tithes, Pentions, Portions, Vicarages, Churches, Chapels, Advowſons, Nominations, Patronages, Annuities, and Hereditaments, *Nota.*

ditaments, Goods, and Cattels, to the said Monasteries, Nunneries, Commaundries, Deaneries, Colleges, Hospitals, Chauntries, free Chapels, Guyldes, Fraternities, and other Ecclesiastical Houses, Archbishopricks, and Bi-
Nota. shopricks belonging, as well for great sums of mony, as for other good and reasonable causes and considerations, have been conveyed, and assured to diverse the Subjects, and bodies politick of this Realm, aswell by the said King *Henry* the eight, the said King *Edward* the sixth, and by your Highnesse our Soveraign Lady, and joyntly by both your Majesties, as also by diverse the Owners of the said Ecclesiastical possessions, which said conveyances and assurances by their sundry Letters Patents, and other writings more plainly do and may appear. Forasmuch as the said most reveverend Father, hath also by the said Dispensations, removed and taken away all matter of impeachment, trouble, and danger, which by occasion of any general Councel, Canon, or Decree Ecclesiastical, might touch and disquiet the possessions of such Goods moveables, lands, tenements, possessions, and hereditaments, as were of late belonging to any of the said Archbishopricks, Bishopricks, Monasteries, Priories, Nunneries, Commaundries, Deaneries, Houses of Fryers, or other religious Houses or Places, of what nature, name, kind, or quality soever they be of. Yet for that the Title of all lands, possessions and hereditaments in this your Majesties Realm & Dominions is grounded in the laws, statutes, and customs of the same, and by your high jurisdiction, authority royal, and crown imperial, and in your Courts only to be impleaded, ordered, tryed, and adjudged, and none otherwise; and understanding, that the whole, full, and most gracious intent, mind, and determination of your most excellent Majestyes be, that all and every person and persons, bodies politick
Nota. and corporate, their heirs, succeſſour and assignes, and every of them, shall have, keep, retain, and enjoy all, and every their estates, rights, possessions, and interests,

that

that they and every of them now hath, or hereafter shall have, of and in all and every the Mannors, Graunges, Messuages, Lands, Tenements, Tithes, Pentions, Portions, Advousons, Nominations, Patronages, Annuities, Rents, Revertions, Services, Hundreds, Wapentakes, Liberties, Franchises, and other the possessions and hereditaments of the said Monasteries, Abbies, Priories, Nunneries, Commaundries, Deaneries, Colleges, Prebends, Hospitals, houses of Fryers, Chantries, Rectories, Vicareges, Churches, Chaples, Archbishopricks, Bishopricks, and other Religious or Ecclesiastical houses or places, or of any of them within this Realm, or the Dominions of the same, by such Laws and Statutes as were in force before the first day of this present Parliament, and by other lawfull conveyance to them thereof made. *Nota.*

That it may be therefore enacted by the authority of this present Parliament, that as well your Majesty our Soveraign Lady, your heirs and successors, as also all and every other person and persons, bodies politick and corporate, their heirs, successors and assigns, now having, or that hereafter shall have, hold, or enjoy any of the scites of the said late Monasteries, and other the Religious or Ecclesiastical houses or places, and all the said Mannors, Graunges, Messuages, Lands, Tenements, Tithes, Pentions, Portions, Glibe-lands, Advousons, Nominations, Patronages, Annuities, Rents, Revertions, Services, Hundreds, Wapentakes, Liberties, Franchises, Profits, Commodities, and other the possessions and hereditaments of the said late Monasteries, Abbies, Priories, Nunneries, Commaundries, Deaneries, Colleges, Prebends, Hospitals, houses of Fryers, Rectories, Vicariges, Chauntries, Churches, Chapels, Archbishopricks, Bishopricks, and other Religious and Ecclesiastical houses and places, or any of them, of what name, nature or kind soever they be, shall have, hold, possede, retein, keep and enjoy, all and every the said Scites, Mannors, Graunges, Messuages, Lands, Tenements, Possessions, Profits, Commodities and other Hereditaments, *Nota.* *Nota.*

ments, according to such Interests and Estates, as they and every of them now have or hold, or hereafter shall have or hold of and in the same, by due order and course of the Laws and Statutes of this Realm, which now be, or were standing in force before the first day of this present Parliament, in manner and form as they should have done if this Act had never been had ne made: This Act, or any thing herein conteined to the contrary, in any wise notwithstanding.

Saving to you our said Soveraign Lady, your heirs and successors, and every of them, and to all and every other person and persons, Subjects of this Realm, and bodies politick and corporate, and to their heirs and successors, and to the heirs and successors of all and every of them, other then such whose right, title or interest is bounded or taken away, undone, or extinct by any Act of Parliament heretofore made, or otherwise, all such right, title, claim, possession, interests, rents, annuities, commodities, commons, offices, fees, leases, liveries, livings, pentions, portions, debts, duties, and other profits, which they or any of them lawfully have, or of right ought to have, or might have had, in, of, or to any of the premisses, or in, of, or to any part or parcel thereof, in such like manner, form and condition, to all intents, respects, constructions and purposes, as if this Act had never been had ne made.

And that it may be further enacted by authority aforesaid, that all and every Article, Clause, Sentence and Proviso, contained or specified in any Act or Acts of Parliament, concerning or touching the assurance or conveyance of any the said Monasteries, Priories, Nunneries, Commaundries, Deaneries, Prebends, Colleges, Chantries, Hospitals, houses of Fryers, Rectories, Vica-
Nota. riges, Churches, Chaples, Archbishopricks, Bishopricks, and other Religious and Ecclesiastical houses and places, or any of them, in any wise concerning any Mannors, Lands, Tenements, Profits, Commodities, Hereditaments, or other the things before specified, to the said King

King *Henry* the 8th. or King *Edward* the 6th. or either of them, or any other person or persons, or body politick or corporate, and every of them, and all and every Writing, Deed and Instrument, concerning the assurance of any the same, shall stand, remain, and be in as good force, effect and strength, and shall be pleaded and taken advantage of, to all intents, constructions and purposes, as the same should, might or could have been by the Laws and Statutes of this Realm, in case this present Act had never been had ne made.

And that all Feoffaments, Fines, Surrenders, Forfeitures, Assurances, Conveyances, Estates and Interests, in any wise conveyed, had or made to our said late Sovereign Lord King *Henry* the 8th. or to our said late Sovereign Lord King *Edward* the 6th. or either of them, or to any other person or persons, bodies politick or corporate, or to any of them, by Deed or Deeds, Act or Acts of Parliament, or otherwise, of any of the Sites, Mannors, Lands, Tenements, Possessions, Profits, Commodities or Hereditaments, of any of the said Archbishopricks, Bishopricks, late Monasteries, Priories, Nunneries, Commaundries, Deaneries, houses of Fryers, Colleges, Chantries, Hospitals, Prebends, free Chaples, or of any Mannors, Lands, Tenements, Revertions, Services, Tithes, Pensions, Portions, Annuities, or of any other Hereditaments, of, by or from any Ecclesiastical or Spiritual person or persons, or by or from any Spiritual or Ecclesiastical corporation, or body politick, shall be as good and available in the Law, to all Intents, Constructions and Purposes, as they were by the Laws and Statutes of this Realm, standing in force before the first day of this present Parliament: And that the same may and shall be pleaded, alleged, and taken advantage of, in such sort, and to such effect: as they should, could or might have been by the Laws and Statutes of this Realm, standing in force before the said first day of this present Parliament: And that all and every Clause and Article of saving, conteined in all and every the said Acts and

and Statutes, shall stand, remain and be in such force, strength and effect, as they were before the said first day of this present Parliament; any thing conteined in this present Act to the contrary in any wise notwithstanding.

And that it may be in like manner enacted by authority aforesaid, that whosoever shall by any processe obteined out of any Ecclesiastical Court within this Realm, or without, or by pretence of any Spiritual Jurisdiction, or otherwise, contrary to the Laws of this Realm, inquiet or molest any person or persons, or body politick, for any of the said Mannors, Lands, Tenements, Hereditaments, or things above specified, contrary to the words, sentences and meaning of this Act, shall incur the danger of the Act of *Præmunire*, made in the 16. year of King *Richard* the 2d. and shall suffer and incur the forfeitures and pains contained in the same.

To which Act I shall annex Pope *Julius* his Letters and Reasons sent to Queen *Mary* Anno 1554. for the granting of the forecited *Dispensation*, which occasioned this Statute.

Dr. Hackwells Answer to Carrier, p. 249, 250. Dr. Burges his No Sacrilege nor sin to alienate or purchase Cathedral Lands, p. 52, 53, 54.

That all such as by just Title according to the Laws or Statutes of this Realm, for the time being, have any Possessions, Lands or Tenements lately belonging to Monasteries, Priories, Bishopricks, Colleges, Chantries, Obits, &c. whether they have purchased them for their money, or are come to possesse them by gift, grant, exchange, or by any other legal means whatsoever, may retain and keep the same in their Possessions, and have the same ratified and established unto them by the confirmation and dispensation of the Sea Apostolick.

Causes and Reasons why such Dispensations may be justly granted with honour and conscience.

Nota.

1. *The State of the Crown of this Kingdom cannot well be sustained to govern and rule with honour, if such Possessions be taken from it: for at this day, the greatest part of the Possessions of the Crown, consisteth of such Lands and Possessions.*

2. *Very*

2. *Very many men have with their monies bought and purchased great portions of those Lands, from the most Excellent Kings,* Henry *the* VIII. *and* Edward *the* VI. *who, by their Letters Patents have warranted the same: of which Lands and Possessions, if the Owners should now be dis-possessed, the King should be bound to repay unto them all their money; which would arise to such an huge Masse, that it would be a very hard matter for the Crown to restore it.*

3. *The Nobles and Gentry of this Realm, most of whom have sold and alienated their antient inheritances, to buy these new, cannot live according to their degrees, if these Possessions should be taken from them.*

4. *The Purchasors, or Owners of such Lands and Possessions, in as much as they came to them by * just Title, according to the Ordinance of the Kings of this Kingdom, have held and do still hold a good and justifiable course in obtaining of them.*

* *The Benchers and Lawers of both Temples and Lincolns-Inne must hold so as well as other Purchasors.* Nota.

5. *The enjoying of such Lands and Possessions, is so common unto every state and condition of Men, Cities, Colleges, and Incorporations, that if the same be taken from them, there will necessarily follow thereupon throughout the Kingdom, a sudden change and confusion of all Orders and Degrees.*

6. *Seeing the Goods and Possessions of the Church, even by the authority of the Canon Laws, may be alienedfor the redemption of Captives, and that the same may be done by that Church only, to whom such Possessions do belong: It is fit and reasonable that such Dispensations should be granted for continuing of possession already gotten, for so great a good of publick concord *, and unity of the Church, and preservation of this State, as well in body as in soul.*

* Mark this well.

The consideration of this Statute, Letter and Reasons of the Pope himself, and our Popish Prelates, Clergy in Queen *Maries* daies, may perswade our present Prelates and Cathedral men to the like Moderation, Candor and Ingenuity, for the satisfaction of the King, Parliament, Purchasors, and preservation of the Kingdoms, Churches Tranquility now and hereafter.

Finally, because there is now an extraordinary great

clamour against Sacriledge in most Pulpits, new Pamphlets, and in the Commons House it self, by many who understand not truly and thoroughly what *Sacriledge* is, I shall for a close of this Appendix inform them.

1. That the word *Sacriledge* (ἱεροσυλεῖς,) is only once and no more used in sacred writ, *Rom.* 2. 22. What the Apostle there means by committing *Sacriledge*, and what this Sin should be, both old and new Expositors do very much disagree. I shall render them an account of 10. several opinions of Expositors concerning it, who comment on this Text; neither of them suiting with that which now alone is declamed against as the sole and only *Sacriledge*.

* See Dr. Willets sixfold Commentary on *Rom.* 2. *qu.* 39.

1. * *Origen*, *Ambrose*, and some others interpret Sacrilege, *The Jews violating of Christ the true Temple of God*, by crucifying him with their sins, stealing him out of the Scripture, and denying Christ, *MAGNO SACRILEGIO*. 2ly. *Chysostome*, *Theodulus*, *Theophylact*, Peter *Martyr*, & Dr. *Willet* expound it to be, *the Jews sparing of Idols, and using of things consecrated to idolatry, out of covetousness, to their own private commodity, which by the Law of God they should have destroyed*; which *Calvin* and *Gualter* mislike not. And Peter *Martyr* thence infers, *Potest quidem Respublica & Magistratus noster, ea quæ superstitiosa sunt auferre, et eorum pretia in usus pios et bonos convertere*, without any Sacriledge. 3ly. *Gorhan* defines this Sacriledge to be, *the giving of divine worship unto Idolls*. 4ly. *Calvin* and *Piscator* expound it to be, *the contempt of the Divine Majesty*. 5ly. *Haymo* informs us, *that Spiritual sacrilege*, est sacrorum verborum prevaricatio; *the prævarication of Gods word*: but according to the Letter he defines it, *Sacrarum rerum furtum: verbi gratia: Quisquis de thesauro Ecclesiæ, vel de substantia Dei familiarium aliquid occulte abstrahit, Sacrilegium perpetrat*; which extends only to Goods, not Lands, with whom *Lyranus*, the *Syriack* interpretation, & some Popish Commentators accord. 6ly. Peter *Martyr*, and *Lucas Osiander* interpret it to be, *the buying and selling of the Priests Office, Orders,*

Bene-

Benefices, Bishopricks, as many have done, and still do, who are really guilty of *Sacrilege* as well as *Symony*. 7ly. *Paræus* and others expound it, *of polluting Gods Service with Jewish and humane inventions*. 8ly. *Grynæus* understands it, *of arrogating to their own merits, that which was peculiar to the grace of God*. 9ly. *Peter Martyr*, applyes it to *Ely* his Sons, and such other Priests who violently took away and appropriated to themselves the things offered and consecrated unto God. 10ly. *Primasius* Bishop of *Uticæ* in *Africk*, (St. *Augustine* Disciple flourishing in the year 440.) in his Commentary on this Text resolves, *SACRILEGIUM EST QUOD PROPRIE IN DEUM COMMITTITUR, QUASI VIOLATIO, VEL PRÆVARICATIO MANDATORUM*, Adding that the Apostle in the next words, *Per prævaricationem legis Deum inhonoras*; *EXPOSUIT SACRILEGIUM : Rhemigius* and *Haymo* concur in substance with him. And indeed this definition of *Sacriledge, that it is the breach or violation of the sacred law of God*, is most agreeable to the Apostles meaning and proper etymology of the word. Hence *Laurentius de Pinue* a great Canonist, and *Angelus de Clavasio* in his *Summa Angelica*, Sacrilegium, derive and define *Sacrilegium, quasi Sacræ legis lesio*, a more proper etymology, than that of *Innocentius* the Pope, *quasi Sacri ledium*. Now none of all these antient or modern Expositors, define *Sacrilege, to be a taking away, alienating, or selling the Lands of Bishops*, Deans, *Abbots, Priors*, Cathedrals, Covents, or Chapters, never intended by the Apostle in those primitive times of the Gospel, when the Apostles themselves, and Evangelical Bishops in and immediately after their Age, *had neither Silver nor Gold, nor Temporal Lands or Possessions, to take away, plunder, steal or alienate*, as is evident by Acts 3. 5, 6. c. 4: 34, 35, 37. 1 Cor. 4. 11, 12. 2 Cor. 6. 10. and other Texts, though now decry'd in Presse and Pulpit as the only Sacriledge: when none of these other kinds of real Sacriledge are once writ or preached against by them under the name or crime of *Sacriledge*; which favors more of *Passion* than *Devotion*, of

* *The very Heathens deemed this Sacriledge*, not to worship their Gods. *Deos inquitis, non colitis, & pro Imperatoribus sacrificia non impenditis. Itaque Sacrilegii, & Majestatis rei invenimur.* Tertul. Apolog. *adv. Gentes, & ad scapul.*

Avarice than *Prudence*, of *Calumny* then *Verity*, of *Self-interest* than *Christs interest*. On whom we may retort that of * *Tertullian*, in defence of the primitive Christians against the Pagans, who reputed them sacrilegious for not adoring their Idols. *Tantum nos quos Sacrilegos existimatis nec in facto unquam deprehendistis, nec in sacrilegio. Omnes autem qui templa despoliant, & per Deos jurant, & eosdem colunt, & Christiani non sunt, & Sacrilegi tamen deprehenduntur.* But how are they found to be such? to wit, by their *sacrilegious crucifying* and dishonouring Christ through their sins, *by wresting the Scriptures, breaking the sacred Law of Christ, by contempt of his divine Majesty, by polluting Gods worship with humane inventions, innovations, superstitions, by buying and selling of Orders, Benefices, Bishopricks and Ecclesiastical Preferments, and by mispending the Temporal Revenues of the Church upon their own Pomp, Luxury, Children, Wives, Kinred*; which in [a] St. *Bernards* judgement is not only *SACRILEDGE*, but likewise *A DOUBLE INIQUITY*; which should cause them both to *fear* and *tremble*.

2ly. That the Popish [b] *Scholemen* and *Canonists* themselves define *Sacrilege* formally and properly, to be a quite other manner of sin than it is now reputed. *Formaliter & proprie, Sacrilegium est illud peccatum, quod persona sacra agit contra ejus Sanctitatem directè*: That is, Sacrilege is that sin which a sacred person commits directly against his Consecration. As if a Bishop, Minister, Monk, Nunne, (not Lay man) Clergy man, commits Adultery, Fornication, Drunkenesse, or any other sin whereby he pollutes his soul or body, which are the Temple of God and the holy Ghost, and Members of Christ, to the dishonor of his holy function, and that Christian Religion and holinesse he professeth. Whence they resolve, *Omne peccatum quod committet persona Ecclesiastica, materialiter & quasi per accidens decitur Sacrilegium: unde dicit* Hieronimus; *Nugæ in ore Sacer-*

* *Ad scapulam, lib. & Apolog. adv. Gentes.*

a *Bernard super Cantica Sermo. 23. Timeant Episcopi, timeant Clerici & Ministri Ecclesiæ, qui in terris Sanctorum quas possident tam iniqua gerunt, ut stipendiis quæ sufficere deberet minimè contenti, superflua quibus egini sustentandi forent,* Impie Sacrilegeque sibi retineant, *& in usus sive superbiæ & luxuriæ victum pauperum consumere non verentur: duplici profecto iniquitate peccantes,* , quod & aliena diripiunt, & sacris in suis vanitaribus & turpicudinibus abuntuntur. *Bernard de Consideratione, l. 3. O miserandam sponsam talibus creditam Paranymphis, qui assignata cuiuri ejus proprio retinere quæstui non verentur.*

b *Petrus Lombardus. Sent. l. 2. dist. 37. Aquinas 2. 2. qu. 99 Alexand. Allensis, Sum. Theolog. Tom. 2. qu. 171. Bonaventura in 3. Sent. dist. 37. dub. 7.* and other Schoolmen in this distinction.

c *Summa Angelica, Tit. Sacrilegium, Hostiensis Summa l. 5. De Crimine Sacrilegii, f. 443.*

dotis

dotis sunt Sacrilegium. Hence *Chrysologus Serm.* 26. thus determines. *Ebrietas in alio crimen, in Sacerdote* *Sacrilegium, quia alter animam suam necat vino, Sacerdos spiritum sanctitatis extinguit.* *Salvian de Providentia* l. 8. and [d] *Bochellus, Sacrilegii genus est Dei odisse Cultores.* And Pope *Innocentius*, cited by *Alexander Alensis*, Sum. Theolog. Tom. 2. quest. 171. m. 1. *Quid sit Sacrilegium*, resolves, *committunt Sacrilegium qui contra divinæ legis sanctitatem, aut nesciendo committunt, aut negligendo violant & offendunt*: which *Alensis* acknowledgeth likewise to be *Sacrilege.* And in verity the Scripture it self resolves nothing else to be properly *Sacrilege* under the Gospel, but the violation of the sacred Law of God, by Bishops, Ministers or Christians, and poluting, profaning their souls and bodies (which are or should be spiritual Temples of God, and Members of Jesus Christ) with grosse and scandalous *Sins*, as is evident by Rom. 2. 22, 23, 24. *Thou that sayest a man should not commit adultery, dost thou commit adultery? thou that abhorrest Idols, dost thou commit* SACRILEGE? *Thou that makest thy boast of the Law, through breaking the Law dishonorest thou God? For the name of God is blasphemed among the Gentiles, thorough you.* Compared with the 1 Cor. 3. 16, 17. chap. 6. 15, 16, 17, 18, 19, 20. *Know ye not that ye are the Temple of God, and that the spirit of God dwelleth in you? If any man defile* (or destroy) *the Temple of God, him will God destroy, for the Temple of God is holy, which Temple ye are. Know ye not that your bodies are the Members of Christ? shall I then take the Members of Christ, and make them the Members of an Harlot? God forbid. What, know ye not that he which is joyned to an Harlot is one body? for two* (saith he) *shall be one flesh. But he that is joyned unto the Lord is one Spirit. Flee Fornication: he that committeth Fornication, sinneth against his own body. What, know ye not that your body is the Temple of the Holy Ghost which is in you, which ye have of God, and ye are not your own? For ye are bought with a price: therefore glorifie God in your body and in your spirit, which are Gods.* Since then every violation of Gods sacred Law, and pollution of our souls and bodies, by Fornication, Drunkennesse, and other scandalous sins, is the only formal

* *How many Drunken Priests are now guilty of Sacrilege?*

[d] *Bochellus Decreta Eccles. Gall.* 2. *Tit.* 61. *p.* 1308.

sup

and proper sin of *Sacrilege*, by the resolution of *Canonists*, *Casuists*, *Scholemen*, *Fathers*, and God himself in the Gospel. And if as [g] St. *Jerome*, *Bernard* [h] *Alensis*, & others determine, those Bishops and Church men, **Sacrilegium profecto committunt**, do verily commit Sacrilege, who take the Revenues and Lands of the Church, first given in Frankalmoigne, to feed and relieve the poor and pervert them to support their own Pomp, Luxury, Avarice, or to enrich themselves, their Children, Kindred or Posterities; I wonder our Bishops and Cathedral men, are so mute in declaiming, preaching, printing against these real Sacrileges in themselves, and so Clamorous only against that which really is no Sacrilege in others.

3ly. The [i] Canonists and [k] Scholemen do generally define Sacrilege to be committed 3. manner of waies. 1. *Ratione personæ*, as if any Layman lay violent hands upon, hurt, wound, strike or abuse any Ecclesiastical or Religious person, (and why not likewise upon any King, or pious Christian, if *Psal.* 105. 14, 15. *Zech.* 2. 8. be Canonical, on whom Popes, Prelates can lay violent hands, dethrone, murder, without any Sacrilege?) 2ly. *Ratione loci*, as when any [l] Civil Magistrate or other Officer takes a Thief, Murderer, Traytor, Rebell, Fugitive, Malefactor, or person indebted, out of a Church, Chappel, Churchyard, Monastery, or other Sanctuary, consecrated by a Bishop, by force, without or against the Bishops, Abbots, Ordinaries or Parsons consent, (and why not as well out of any Tenement, Glibe, House, or other Lands belonging to Bishops or Church-men, or out of any Hospitals, Colleges, Scholes, dedicated to pious uses?) 3ly. *Ratione rei*, which is threefold. 1. *Auferendo sacrum de sacro*, by taking a sacred thing out of a sacred place, as consecrated Priests, Nuns, Vessels, Vestments, Utensils, Ornaments, out of a consecrated Church, Chaple, Sanctuary or Churchyard. 2ly. *Auferendo non sacrum de sacro*, by taking things not consecrated, as Money, Plate, Goods, Armour, Amunition, Cattle, hid or laid up in Churches, Chaples, Chuchyards, Monasteries, Sanctuaries or Malefactors out of them, or taking away any Goods, Monies, Chattles from Church men or Religious persons.

g *In Rom.* 2. *and* 1 *Cor.* 11.

h *Summa Theologiæ pars* 2. *qu.* 171. *m.* 1. *p.* 770.

i *Raymundus, Hostiensis, Summa Angelica, Summa Rosella, Aquinas, Tit. Sacrilegium, Gloss. in Gratian Caus.* 17. *qu* 4.

k *Petrus Lombardus Sent l.* 3. *distinct* 37. *Bonaventura, Ægidius, Brulifer and others in* 3. *Sent. dist.* 37. *Aquinas secunda secundæ, qu.* 99. *Alex Alensis Summa Theol. pars* 2. *q.* 171. *m.* 1.

l *Alensis, Sum Theol. pars* 2. *q.* 171. *m.* 3. *Sacrilegium, est contra immunitatem Ecclesiæ extrahere aliquem per vim, cum confugit ad subsidium Ecclesiæ in periculo.*

sons. 3ly. *Auferendo sacrum de non sacro*, by taking any Person or things consecrated by a Bishop out of a prophane place though a Brothel, Tavern, Alehouse, Inne, which consecrated Prelates, Priests, Monks, overmuch freequented of late and [m] former times, as well in *England*, as in forein parts. Now all these Sacrileges as they have no real ground or foundation in Gods word, tending only to secure the persons, goods of Prelates, Church men, and other Ecclesiastical persons, and all kinds of Traytors, Malefactors, Debtors, Bankrupts, Cheates, flying unto them and their Churches for Sanctuary, and hiding their Goods within their precincts, to protect them from the Kings and Civil Magistrates power, Laws, Officers, Executions, as our own [n] Histories, Statutes and Law-books resolve, in the several cases of *Thomas Becket* Archbishop of *Canterbury*, *Hubert de Burgo* Earl of *Kent*, *John Savage*, and sundry others, (See 50 E. 3. c. 6. 2 R. 2. c. 3. 21 H. 8. c. 2, 7. 4 H. 8. c. 2. 26 H. 8. c. 13. 28 H. 8. c. 7, 13. 32 H. 8. c. 12, 15. 2 E. 6 c. 2, 13. 1 and 2 *Philip* and *Mary* c. 4. 1 *Mary* c. 6. 5 *Eliz.* c. 10, 14, 19, 20. 13 *Eliz.* c. 7. 14 *Eliz.* c. 5. 18 *Eliz.* c. 3. *Kelway* f. 91, 188, 190. 1 H. 7, 10, 23, 29. *Stamford* l. 2. c. 38, 39. *Brook*, and *Ash Title Sanctuary*.) So the bare alienation or ablation of Bishops, Abbots and Cathedral mens Lands, by our Kings, Parliaments, or Clergy men themselves, fall neither within the words, nor intention of any of these Sacrileges, *extending only to* [o] *sacred persons Goods and Chattels*, not to the sale of Mannors, Lands, Tenements Rents, Temporalties of Church-men, which is no Sacrilege, either within the Canonists or Scholemens definition or division of Sacrilege.

4ly. That [p] *Hostiensis* and other *Canonists* cited by him, inform us, That whoever doth any injury to Ecclesiastical persons, commits Sacrilege; and not only so, but that it is Sacrilege for any man to question or dispute the Judgement or Decrees of the Pope, or to transgresse, dis-respect any publick Laws, not to yield due reverence to the Popes or Bishops Canons, to violate an Holy-day, to imploy a Jew in any Office, or to oppresse any pious Place or Hospital under the Patronage or Protection of the

* See *Onus Ecclesiæ*, John Bale his Acts of English Votaries, *Claudius Espencæus de Continentia Gravamina Germaniæ*. *Balæus de Vitis Pontificum*.

m Gul. *Nubrigensis*, *Hist.* l 2. c. 16. *Mat. Paris* p. 365, 366, 374, 375, 830, to 834. *Mat. West. An.* 1232. p. 132, 133, 134. *An.* 1233. p. 141. *Walsingh. Hist. Angl.* p. 216, 217, 218. *Halls Chron.* f. 8, 9, 10 87. *Speeds Hist.* 503, 504, 606, 608. *Holinshed*, p. 420. 215, 475. *Ant. Eccl. Brit.* p. 258, 268, &c. 298, 299.

n See *Bochellus Decret. Eccles. Gal* l. 8. *Tit.* 61. o *Sum.* l. 5. *De Sacrilegio. Joannis Thiery*, & the Glosse in *Gratian. caus.* 17 *qu.* 4 *Sacrilegii. Antonii Corseti Repertorium*, tit. *Sacrilegium*.

the Church. But these things I presume our Bishops and Cathedral men themselves, will ingenuously confesse to be no Sacrilege at all, notwithstanding the Popish Canonists and Schole mens resolutions. And by like reason the Kings or Parliaments alienation or ablation of their superfluous or abused Church-Land, Temporalties, must prove no real Sacrilege, though some Popes, Popish Canonists and Scholemen, have concluded it to be so.

q *Summa Theol. pars 2 qu. 171. nu. 3 p 771.*

5ly. That [q] *Alexander Alensis* and others resolve, That it is Sacrilege for any Lay-men, with their Families, Cattle and Goods, to be received, or enter into Churches, Chaples or Churchyards, or to eat, drink and lodge in them, in times of Peace: But if they do it in times of War and Necessity, to preserve themselves against the Enemies, in cases of eminent danger, (as they did frequently during the* *Danish* and *Norman* Invasions, and during our Civil Wars) then it is no Sacrilege at all: *Ubi est hujusmodi necessitas non est Sacrilegium.* If then the case of eminent danger, necessity and War will make that to be no Sacrilege in this case, which otherwise would have been Sacrilege; Then by the self-same reason, [r] *the Kings or Parliaments ablations, sales of the Lands of Bishops, Deanes, Chapters, Abbots, Priors* in times of War and publick Necessity, to defray the vast debts and expences of the Kingdom, will prove to be no Sacrilege at all, by the definition of *Popish Scholemen* of old, yea of some late [t] *Jesuits* both in *Germany* and *Spain*, as well as of *John Wickliff*, *John Hus*, and other fore-cited Protestant Divines and Martyrs, concurring in Judgement with them.

* *Ingulphi Historia.*

r *See Bernardus Laurentius. de Potestate secularis super Eccles siis. Grotius de jure Belli l. 3. c. 10.*

t *Alphonsus de Vargas, Relat. de Strategem. Jesuitarum, An. 1641. cap. 40. to 56.*

FINIS.

ERRATA at the Presse.

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THE FIRST PART
OF AN
HISTORICAL COLLECTION
OF THE
ANCIENT PARLIAMENTS
OF ENGLAND,

From the yeer of our LORD 673, till the end of King JOHN's Reign, *Anno* 1216.

Wherein is clearly demonstrated by Histories *and* Records *beyond contradiction*, That

The Ancient Parliaments, and *Great Councels* of England, during all this tract of time, and many yeers after, were constituted, and consisted onely of our KINGS, PRINCES, DUKES, EARLS, NOBLES, BARONS, SPIRITUAL and TEMPORAL LORDS, and those we now usually stile THE HOUSE OF PEERS; and that both the LEGISLATIVE and JUDICIAL POWER OF OUR PARLIAMENTS resided ONLIY IN THEM; without any *Knights, Citizens, Burgesses* of Parliament, or COMMONS HOUSE, not knowne, nor *heard* of, till of punier times then these.

Published,

To inform the *Ignorance*, and check the *insolent Usurpations* of those FEW COMMONERS, who now call themselves not only THE COMMONS HOUSE, But PARLIAMENT of *England*; and (as much as in them lies) have most unjustly excluded both our KING and LORDS from being any MEMBERS, or BRANCHES OF OUR LATE, OR FUTURE PARLIAMENTS.

By WILLIAM PRYNNE *of Swainswick, Esquire.*

Pro 22.28. - *Remove not the ancient Land-mark which thy Fathers have set.*
Grat. Caus. 25. Quæst. 2. *Etiam quod habuit amittat, qui quod non accepit, usurpat.*

LONDON, Printed for *Robert Hodges*. 1649.

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THE FIRST PART

OF AN Historicall Collection of the ancient PARLIAMENTS of ENGLAND.

THe *grosse Ignorance* of the *ancient constitution* of our *English Parliaments*, and *fanatick dream of A Supreme Parliamentary and absolute Legislative Authority* in THE HOUSE OF COMMONS ALONE, (yea, in a meer REMNANT of it, after its dissolution by the Kings beheading) first broached by *Lilburn*, *Overton*, and their *Levelling party*, who first suffered under, and now most inveigh against that USURPED, EXORBITANT POWER; being, in my apprehension, (next to Gods wrath for our sins) the principal ground-work of all the late unparalleld, insolent (that I say not *monstrous* and *brutish*) *proceedings*, against the late and present *King*, the *House of Peers*, and *secluded Majority* of the late *Commons House*, by the *Army*, and those who now presume to entitle themselves THE PARLIAMENT OF ENGLAND, and by pretext thereof obtrude what *Acts* and *Taxes* they please upon the people, to *enslave* them to their new erected SOVERAIGN TYRANNY, to the hazard of our *Kingdoms*, and of *Parliaments* themselves; I conceived, I could not do a more acceptable service to *God*, the *Kingdom*, or this new INSANUM PARLIAMENTUM of NOVICES IN PARLIAMENTARY AFFAIRS, (to reduce them to their *right wits* again (being more then BEDLAM MAD, as their *Acts* and *Actions* testifie) then to spend some *vacant Hours* in gathering into one or two small *Bundles* the scattered *Histories* and *Records* of our *ancientest Parliaments* and *Great Councels*, (which are *strangers* and unknown to most) to instruct their *Ig-*

norance, check their *Arrogance*, rectifie their *presumptuous Exorbitances*, and restore our Parliaments to their ancient constitution, splendor, honour, limits, and preserve them from utter abolition for the future, through the *over-swelling Greatnesse*, and *unsufferable Usurpations* upon *King*, *Lords*, *Commons* and *Kingdom* by those now sitting and acting alone, beyond and against all Parliamentary precedents in former ages, to the astonishment of the present, and wonder of succeeding times.

a) *Gratian Caus.* 11. *Quæst.* 2.
b) Pro. 16. 18. Dan. 4. 37.
c) Gen 3. 5.
d) Psal. 49. 12. 20.
e) 1 Tim. 3. 6. 2 Pet. 2. 4. Isa. 14. 11, 12, 13, 14.
f) Dan. 4. 29. to 35.
g) Acts 12. 22, 23.
h) See *the Acts for their suppression.* 17. Caroli.

It is a rule in the Canon Law, [a] *Privilegium meretur amittere, qui abutitur potestate*; yea, a *Canon* in Gods own sacred Law, [b] *Pride goeth before destruction, and an haughty spirit before a fall*: and not so only; but it is commonly the *cause*, as well as the *fore-runner* thereof: The Scripture Canon assuring us, *That a mans pride shall bring him low*, Prov. 29. 23. Isa. 13. 11. [c] *Adam's* and *Eve's* aspiring *pride*, to become *as Gods knowing good and evil*, degraded them below the primitive *condition of man, wherein they were created*, and made them like to the [d] very beasts that perish: The [e] *ambitious Angels* aspiring to *be Gods*, tumbled them down from heaven, and metamorphosed them into Divels: [f] *Nebuchadnezzar's* over-weening pride *turned him out of his Royall Throne and pallace, to grase among beasts*: And King [g] *Herod's* bare acceptance of this flattering applause, *The voice of a God, and not of a man*, made him, by the *hand of divine Vengeance*, a present prey to the vilest worms, who *eat him up alive*. But to come neerer home. What overthrew and destroyed the late beheaded *King*, *Straford*, *Canterbury*? what suppressed, abolished the [h] *Star-chamber*, *High-Commission*, *Councel-Table*, and our *Prelates* with their *Courts*, but their *encroaching*, *usurping*, *exercising of an exorbitant*, *illegall*, *over-swelling*, *transcendent power and jurisdiction*, *above*, *against*, *and beyond the rules and bounds of Law*? And what abated the *Authority*, *Honour*, *Esteem*, and *reall Power* of the late *two Houses of Parliament*, and rendred them vile and despicable in the peoples eyes and affections, but their surpassing the bounds of their ancient Parliamentary priviledges and Authority, to the grievance of the people? Which being so far exceeded in all kinds and degrees, by some late *Commons* now sitting, stiling themselves, *The Parliament*, and

Supreme

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Snpreme Authority of England, and acting more arbitrarily and tyrannically in all things, then ever any Kings or Parliaments in former ages, to the insufferable injury and oppression both of the King, Kingdom, People, and all sorts and professions of men, will in conclusion thereby inevitably occasion their own speedy downfall, and irrecoverable perdition, and (without Gods great mercy) ruine all our future Parliaments, at least wise much eclipse their *Honour* and *Esteem*, and much abridge the Commons former power and Jurisdiction, by bringing all their encroached Anthority, unto a legall scrutiny and debate; which absolute necessity enforces men to, for their own and the Kingdoms common preservation; and engaged me principally upon this *Historicall Collection of the ancient Parliaments of England*, to abate the *swelling Tympany*, and cure (if possible) the *exorbitant distempers*, and dangerous *Insolencies* of the *Levelling* sitting *Commons*, who have neither precept nor precedent, Law nor Canon, nor the least shadow of authority from God or Man, King or people, or any reall priviledges or constitution of our Parliaments to justifie their late proceedings in the least degree.

The Method I observe in marshalling these *Collections*, is only *Chronologicall*, according to their respective Antiquities, beginning with the Reigns of *Easewin* and *Kentwin*, *Anno Domini* 673. and ending with *King John*, *Anno* 1216; containing in all, the space of 543 years; during which large proportion of time (and many yeers after) our Parliaments were constituted and made up onely of our *Kings*, *Princes*, Dukes, Earls, Nobles, BARONS, *Spirituall and Temporall Lords*, and those who in later ages we stile the *HOUSE OF PEERS*, without any *Knights of Shires*, *Citizens*, *Burgesses* elected by the people as their Representatives, or any House of Commons, not known, nor heard of in these elder times, though those who now stile themselves the *Commons*, endeavour to cashier both *King* and *Lords* from being Members of our Parliaments, contrary to our *Laws*, *Statutes*, *Oathes*, and *solemn League and Covenant*, and the practice of all former ages; at whose Doors and Barr themselves have waited, and stood bare upon all occasions, till within these few months, as their professed Superiours, and the onely

Judges in Parliament, being but so many *Grand-jurie* men to present the Kingdomes grievances to their Superiour Tribunall and crave their redresse and censure of them: A sufficient refutation of their present usurpation over them.

But to proceed to the intended Subject without any further Prologue.

(a) Mat. West. An. 673. p. 236. Edit. Londini 1570. Florent. Wigornienſis An. 673.

(a) *An. Dom. 673. Theodor.* Archbiſh. of *Canterbury* assembled a Parliamentary Councel at *Hertfort*, *præsentibus* EPISCOPIS ANGLIÆ AC REGIBUS (*Eaſewin* and *Kentwin*) & MAGNATIBUS UNIVERSIS, all the Biſhops of *England*, and the Kings, and all the Nobles *being preſent*; but not any Knights, Citizens, Burgeſſes, or Commons that we read of.

(b) Spelmanni Concil. tom. 1. p. 189, 191.

(b) *An.* 694. there was *Magnum Concilium*, a great Councel (or Parliament) held at *Becanceld*, in which *Withred* King of *Kent* sate Preſident, *nec non Bertuvuldo* reverendiſſimo Archiepiſcopo Brittanniæ, ſimulque Tobia *Epiſcopo Roffenſis Eccleſiæ*, *cæterisque Abbatibus*, *Abbaticis*, *Presbyteris*, *Diaconibus*, DUCIBUS, SATRAPIS *in unum glomeratis*; *pariter tractantes*, *anxiè examinantes*, *de ſtatu Eccleſiarum Dei*, &c. But we finde no Knights nor Burgeſſes preſent among them.

(c) Ant. Eccleſ. Brit. p. 20.

(c) *An.* 710. (or neer that yeer) there was a Councell held at *Worceſter* by Pope *Conſtantines* advice, at the deſire of *Egwin* Biſhop of *Worceſter*, *non Religioſorum modo*, *ſed etiam* REGNI PROCERUM; but without any Commons.

(d) Wil. Malmesb. de Geſtis Aug. Pontif. l. 1 p. 197. Ant. Eccleſ Brit. p. 11. Spelman Concil. p. 242. 245.

(d) *An. Dom.* 747. in the *Councel* of *Clyff* there were preſent, beſides the *Biſhops* and many Prieſts and Eccleſiaſtical Perſons, *Æthelbaldus* King of *Mercians* cum OMNIBUS REGNI SUI PRINCIPIBUS & DUCIBUS; but not one Knight or Burgeſſe mentioned by Hiſtorians.

(e) Spelman. Concil. tom. 1. p. 291. 293. 300. Magdeburgenſ. cent. 8 c. c. 9. col. 575.

(e) *An.* 787. in the Councel of *Colchuth*, conſisting of two Seſſions; the Firſt, *coram Alfwoldo Northumhymbrorum* REGE, & MAGNATIBUS SUIS; *aſſidentibus vero Eanbaldo Eboracenſi Archiepiſcopo*, *cæteriſq*; *illius Provinciæ Epiſcopis*. The ſecond, *Merciorum*, *coram Offa REGE ibidem*, *&* SUIS MAGNATIBUS, *& jam aſſidentibus Jambertho Cantuariæ Archiepiſcopo*, *cæterisque ſuæ Provinciæ Epiſcopis*; we meet with none but theſe Kings, their Nobles, Archbiſhops and Biſhops preſent. *Convenerunt* OMNES PRINCIPES REGIONIS TAM ECCLESIASTICI

ASTICI QUAM SECULARES, but no Knights nor Burgesses at all. In this Councell (no other but a a Parliament, to which the Kings, Archbishops, Bishops, Abbots, Dukes and Earles, subscribed their names) cap. 12. *De Ordinatione & honore regum*; there is this notable Canon against killing and putting Kings to death. *In necem Regis, nemo communicare audeat, quia Christus Domini est: & si quis tali scelerì adhæserit, si Episcopus est, aut ullus ex Sacerdotali gradu, ex ipso detrudatur, & à sancta hæreditate dejiciatur, sicut Iudas ab Apostolico gradu dejectus est: & omnis quisquis tali sacrilegio assenserit, æterno anathematis vinculo interibit, & Judæ traditori sociatus, sempiternis cremabitur incendiis, ut scriptum est:* Non solum qui faciunt, sed & qui consentiunt facientibus, judicium Dei non effugiunt. *Duo namq; Eunuchi Assyrum Regem interficere cupientes, in patibulum suspensi sunt. Animadvertite quid fecerit* David *præfecto, cum ei Dominus dixerit*, Ego tradam *Saul* in manus tuas: eum invenit dormientem, & *hortatus à milite ut occideret eum, dixit*, Absit à me peccatum ut extendam manū meam in Christum Domini. *Illum autem militem qui post mortem ejus venit ad eum, protestans quod ipse occiderat* Saul *capite truncavit: & reputatum est ei ad justitiam, & semini ejus post eum. Exemplis namque apud nos sæpe probatum est, quod quicunque internecionis Dominorum fuere, in spatio vitam finierunt, & utroque jure caruerunt.*

(f) *An. Dom.* 793. King *Offa* held a Councel at *Verolam*, with Archbishop *Humbert*, his Suffragans, & PRIMATIBUS SUIS UNIVERSIS, wherein this King *SUORUM MAGNATUM sano acquiescens consilio*, presently took a painfull and costly journey to *Rome*. (f) Spelman. Concil. p. 310.

(g) An. 794. King *Offa* after his return from *Rome* celebrated two Councels; the one at *Celchyth*, where *were present*, 9. Kings, 5, Bishops, and 20. Dukes (but no House of Commons.) The other at *Verolam*, consisting only of Bishops and Nobles. *Congregato apud Verolamium EPISCOPORUM & OPTIMATUM Concilio.* (g) Spelman. Concil. p. 313, 314.

(h) About the yeer 796 *Cynewlf* King of *Westsax.* held a Councel wherein he writes to *Lullus* Bishop of *Mentz* touching matters of Religion, *una cum EPISCOPIS meis, nec non cum cæteris SATRAPARUM*, to wit of his lay Dignities. (h) Bonifac Mogunt. Epist. 112. M. *Seldens* Titles of Honor. part. 2. c. 5. p. 632.

(i) An.

(i) Spelman. Concil p. 318. 320. Malmesb. de gestis Regum Angl. l. 1. cap. 4.

(i) An. Dom. 800. *Kenulf* King of Mercians called to the Councell of Cloveſha all the *BISHOPS* of his Kingdome, *DUCES & Abbates, & CUJUSCUNQUE DIGNITATIS VIROS*, wherein the King *cum EPISCOPIS, DUCIBUS, & omni* sub *noſtri ditione DIGNITATIS GRADU*, writ a Letter to Pope *Leo* the 3. about Church affaires therein concluded, where there is no mention of any Commons.

(k) Spelman. Concil p. 328.

(k) *An.* 816. in the *Councel of Celichyth*, *Wulfred* Archbiſhop, with divers other *Biſhops* were preſent, ſo was *Cœnulf* King of *Mercia cum ſuis PRINCIPIBUS, DUCIBUS, & OPTIMATIBUS*, but not a ſyllable of his Commons, Knights, or Burgeſſes preſence.

(l) Spelman Concil. p. 333. 334.

(l) About the year 822. in the *Councel of Cloveſha*, wherein *Beornulf* King of Mercians ſate Preſident, *Wulfrid* Archbiſhop with the reſt of the Biſhops and Abbots *OMNIUMQUE DIGNITATUM OPTIMATIBUS, ECCLESIASTICARUM ſcil. & SECULARIUM PERSONARUM* were preſent, but no Knights of Counties nor Burgeſſes: And *An. Dom.* 824. there was another Councel held under the ſame King at the ſame place: *Aſſidentibus EPISCOPIS, ABBATIBUS, & PRINCIPIBUS Merciorum VNIVERSIS*: but no Commons for ought appears; the King, Archbiſhop, Biſhops and Dukes ſubſcribing their names to the Decrees there made, but no Knight nor Burgeſſe.

(m) Ingulphi Hiſt. p. 855. Spelman Concil. p. 336.

(m) An. 823. There was *Concilium Pan-Anglicum*, a Parliament or Councel of all *England* celebrated at *London*, *præſentibus Egberto REGE* Weſt-Saxoniæ, *& Wethluſio REGE* Merciorum, *utroque ARCHIEPISCOPO, cæterisque Angliæ Epiſcopis & MAGNATIBUS*, who ſubſcribed it.

(n) Spelman Concil. p. 342.

(n) An. Dom. 838. I read of *Concilium Pan-Anglicum*, a Councel or Parliament of all *England* held at *Kingſton*, where King *Egbert* and his Son *Ethelwolf* preſided; *unà cum Ceolnotho Archiepiſcopo* Doroberniæ, *cæterisque Angliæ EPISCOPIS & OPTIMATIBUS*: Wherein the *manner of Mallings, which King* Baldred had ſometimes given to *Chriſt-Church* in *Canterburie*, and afterwards ſubſtracted from it: *Eo quod MAGNATES noluêre donationem illam ratam fore: Et quia ille Rex CUNCTIS PRINCIPIBUS non placuit, noluêrunt donum ejus permanere ratum*,

was

was now again resetled and confirmed to that Church by King *Egbert*, and his Son *Athelwolf consentientibus demum MAGNATIBUS*. A clear evidence of the Noble-mens Negative voice in Parliaments to hinder the King from disposing any Lands of the Crown to pious or other uses without their consents in Parliament, where we finde not a word of the Commons or of their assent or dissent in that age.

(o) *An. Christi* 850. There was a *Councel* kept at *Benningdon*, *à PRÆLATIS ET PROCERIBUS Regni Merciæ* under King *Bertulph*; where Lands were setled and confirmed on the Abbie of *Crowland*, by the King, Bishops and Nobles, without the assent or mention of any Commons. (o) Spelman. Concil. p. 344.

(p) *An. Dom.* 851. There was a *Councel* held at *Kingsbury*, under King *Bertulph*; *præsentibus Ceolnotho ARCHIEPISCOPO Doroberniæ, cæterisque Regni Merciæ EPISCOPIS & MAGNATIBUS*; (without Knights or Burgesses) which setled the affaires of the Realm, and confirmed this Kings ample Charter to the Abbey of *Crowland*, subscribed by the King, Archbishop, Bishops, Abbots, Dukes and Earles. (p) Spelman Concil. p. 344.

(q) *An.* 855. There was a Parliament or Councel of all *England* held at *Winchester*, where *Æthelwolf* King of *West-sex*, *Beorred* King of *Mercia*, and *Edmund* King of *East sex* were present, together with the Archbishops of *Canterbury* and *York*, *cæterisque Angliæ Episcopis & Magnatibus*, wherein King *Æthelwolf*, *omnium PRÆLATORUM AC PRINCIPUM SUORUM gratuito consilio*: (without any Knights or Burgesses there expressed) gave the *tithes of all the lands and goods within his Dominions to God and the Church*, there stiled, *Concilium salubre*, which hath continued ever since in force till now. (q) Malmesb. de Gestis Regum Angl. l. 2. c. 2. Ingulphi Hist. Matth. Westm. Anno 854. Wigornienſis An. 855. Spelman Concil. p. 348, 350. *Seld.* Titles of Honor, p. 2. cap. 5. sect. 6. p. 633.

About the yeer of our Lord 930.* King *Æthelstan* by his Charters gave divers lands to the *Abbey of Malmsbury*, in one whereof there was this Subscription or Postscript, *Sciant Sapientes Regionis nostræ, non has præfatas terras me injuste rapuisse, rapinam Deo dedisse, sed sic eos accepi* QUEMADMODUM JUDICAVERUNT OMNES OPTIMATES REGNI ANGLORUM, to wit in a full Parliament, which then consisted only of the King, and all the *Nobles of England*, (as these words insinuate) who adjudged these lands to be the Kings and not *Elfreds*; which *Elfred

*Wil. Malmsb. de Gest. Reg. Angl. l. 2. c. 6. p. 52.

Elfred forswearing himself before the Altar of Saint *Peter* at *Rome* in the presence of Pope *John*, and there falling down dead as soon as he had forsworn himself, and dying within three daies after; the Pope thereupon sent to King *Ethelstan*, to advise him what he should doe with his body, and whether he should be buried with other Christians? Whereupon *OPTIMATES REGIONIS NOSTRÆ* humbly desired of the King, that he might have Christian buriall, which he assented to; the *Nobles only* being then the only great Councel of the Kingdom, assembled (it seems) upon this occasion to advise the King what Answer to return to the Pope concerning *Elfreds* buriall, whose lands they then adjudged to be forfeited to the King for his Treason against him in his life time, in *endeavouring to disinherit him of his Crown, and to imprison and put out his eyes.*

*Wil. Malmsb. de Gest. Reg. Angl. l. 2. c. 7. p. 53, 54.

* *Anno Dom.* 944. Indict. 1. King *Edmund* granted *many large Liberties* and the Mannor of *Glastenbury* to the Abbie thereof, by his Charter (made it seems in Parliament as most of such Charters were) which begins thus: *In nomine Domini*, &c. *Ego Edmundus Rex Anglorum cæterarumque Gentium gubernator ac Rector, CUM CONSILIO ET CONSENSU OPTIMATUM MEORUM, concedo Ecclesiæ sanctæ Dei Genitricis Mariæ Glastoniæ* &c. A clear evidence that the Nobles in that age were the Kings great Counsell and Parliament without any Knights, Citizens or Burgesses; of which we finde no mention in Charters or Storie.

(r) Ingulphi Histor. p. 874. Spelman. Concil. page 428. Mr. *Seldens* Titles of Honor, part. 2. ch. 5. p. 633.

(r) *Ann.* 948. There was a Parliament or Councel held at *London* under King *Edred*, on the Feast of the Nativity of the Virgin *Mary*, *cum universi* MAGNATES REGNI *per Regium Edictum summoniti tam Archiepiscopi & Episcopi & Abbates, quàm cæteri totius Regni* PROCERES ET OPTIMATES *Londoni convenissent, ad tractandum de negotiis publicis totius Regni*. Where we read of no Knights, Citizens or Burgesses, but only of Archbishops, Bishops, Abbots, and all the Nobility of the Land summoned to this famous Parliament, to consult of the publike affaires of the whole Kingdome.

(s) Malmsb. de Gestis Reg. Angl. l. 2. cap. 8 p. 56, 57.

(t) Spelman. Concil. p. 483.

Anno 965. (so *Malmsbury*. or 970. So *Spelman*) King *Edgar* called a Councel at *London*, where himself, his Mother, *Clito* his Successor, the King of *Scots*, the Admirall *Musonsuo*, both the Arch-

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Archbishops, *cæteriſque* Episcopis, & Omnibus Regni Proceribus were present, and subscribed his Charter therein granted to the Abbey of *Glastenbury*, COMMUNI EPISCOPORUM, ABBATUM, PRIMORUMQUE CONSILIO GENERALI, ASSENSU PONTIFICUM, ABBATUM, OPTIMATUM SUORUM; & CONCILIO OMNIUM PRIMATUM MEORUM, without any Commons present, or mentioned to be there.

(*t*) *A.* 975. King *Edgar* and his Queen, *Elferus* Prince of *Mercia*, *Ethelinus* Duke of the *East angles*, *Elfwold* his kinsman, Archbishop *Dunstan cum cæteris Episcopis*, *Abbatibus*, *Bricknotho* COMITE cum NOBILITATE TOTIUS REGNI held a Councel at *Winchester* without any Commons.

t) Spelman Concil. p. 490.

(*u*) *An.* 977. in the *Councel* of *Calne* under King *Edward* OMNES ANGLORUM OPTIMATES were present together with the Bishops and Clergy (but no Knights and Burgesses for ought is recorded) where the floor sinking under them, all but *Dunstan* fell down some of them being grievously hurt, others slain, upon which *Henry Huntindon* makes this memorable Observation applicable to our times. *Signum scilicet Dei excelsi fuit, quod Proditione & Interfectione Regis sui ab amore Dei casuri essent, & à diversis Gentibus digna contritione conterendi.* For King *Edward* being soon after slain, *proditione. Gentis suæ perfidæ*, who, *inimicitias, quas viventi ingesserant, in mortuum protelantes, sepelierunt eum sine Regio honore apud Warham, ut sicut vitam Regis extinxerant, ita & nomen ejus extingueret. Hic verò compertum est, contra divinam providentiam non sufficere pravum cor hominis & inscrutabile. Quem enim perfidi terris abjicerant, Deus cœlo gloriosè suscepit, & memoria æterna insignivit eum Dominus, cujus mentionem Proditores obnubilare studuerant. Inde Dominus iterum ad iram provocatus est, & plus solito irritatus genti pessimæ malum inextricabile conferre cogitavit; Et quod facere paraverat non distulit, veneruntq; Daci ex multis partibus & operuerunt Angliam quasi nubes cæli*, &c. till they had miserably spoiled, enslaved and conquered the Kingdom; and what particular judgements befell the cheife Authors of his murther, you may read in (*x*) *Matth. Westminster* and others. God of his infinite mercy now prevent the like Nationall judgement upon us, for the like perfidious *practice* and *bloodshed* towards our

u) Huntingdon Hist. l. 5. p. 357 Matth. West. An. 755. *usque* 1002.

x) Anno 978. 979.

King, against our publike faith, Oaths, Covenants and Engagements.

(y) Spelman Concil. p. 510, 513, 525, 529.

(y) *Anno Christi* 1009. by King *Ethelreds* Edict *universi Anglorum* OPTIMATES *die sancto Pentecostes ad locum ab indigenis Eanham nominatum, acciti sunt convenire*, where they debated and decreed many things touching the Reformation of the Church and Gods worship, and of the Common wealth; which Generall Councel Sir *Henry Spelman* assures us was no other but a Parliament being summoned by the Kings Writ, and determining of *State affaires* as well as *Ecclesiasticall matters*. Adding, that it was the *ancient custome of our Kings, at the Feast of the Nativity and at Easter to call together* Proceres utriusque ordinis, *the Peers* of both *Orders* (Ecclesiasticall and Temporal, not the Commons) both to adorn their Royall State, *& consilia regni ineunda* to their Parliaments. So as the Lords Spiritual and Temporall in those *ancient times*, were the only Parliament and *great Councel of the Kingdome*, without any *Knights* of Shires, or *Burgesses* of Parliament, not known nor heard of in that and former ages for any thing clearly appearing in Histories or Records.

(z) Brampton Hist. Journall M. S. p. 77, 78. Mr. *Seldens* Titles of Honor. part. 2. c. 5. p. 634. See William Malmsb. de Gestis Reg. Angl. l. 2. c. 1. pag. 81, 82.

(z) *Anno* 1052. Earl *Godwin* having had a Triall *CORAM PROCERIBUS REGNI*, before the Peers of the Realm touching the death of *Alfred* under King *Hardicnut*, and flying out of the Realm, and afterwards returning in hope of King *Edward* the Confessors favour, he sollicited the Lords to intercede for him to the King, when the Parliament sate at *London, Rex & OMNES REGNI MAGNATES ad PARLIAMENTUM tunc fuerunt*: The King as soon as he saw him called him Traitor, and appeached him, that he had traiterously slain his Brother *Alfred*; which he denying and putting himself upon the consideration (or triall) of the Court, The King thereupon said, *Clarissimi* DOMINI COMITES ET BARONES *terræ qui estis homines mei ligii modo hîc congregati, & appellum meum, responsumque Godwini audistis, volo quod inter* NOS *in ista appellatione rectum judicium decernatis, & debitum justitiam faciatis*. COMITIBUS *verò &* BARONIBUS *super hoc ad invicem tractantibus*, after much debate resolved to present the King with as much gold and silver as they could carry between their armes to beg

beg and purchase the pardon; which they did: *quorum confideratione Rex contradicere nolens, quicquid IUDICAVERANT per omne ratificavit.*

A little before this, there was another Parliament summoned by the King at *Gloceſter*, concerning *Godwin*: *Quocirca TOTIUS REGNI PROCERES juſſi Gloceſtriam convenire, ut ibi MAGNO CONVENTU res ventilaretur. Venerunt eo etiam Northumbri COMITES tunc famoſiſſimi, Sywardus & Leofricus OMNISQUE ANGLORUM NOBILITAS:* onely Earl *Godwin* and his Sons, *qui ſe ſuſpectos ſcierant, ſine præſidio armorum veniendum non arbitrati,* ſtaid at Burfarſton with a ſtrong band of armed men, as *Malmeſbury* relates. So as in this age the King, and his Lords and Barons only made up the Parliament, without any Knights or Burgeſſes; and the Lords had the right of Judicature veſted in them (which diſcovers *Modus tenendi Parliamentum*, pretended to be compiled in this Kings Reign, to be but a forgery.) Theſe 27 Councels and Parliaments before *William the Conquerors* Reign (beſides others which might be added) being made up and conſiſting only of Kings, and their Spirituall and Temporall Lords and Nobles, and enacting Laws, Canons for the Reformation and Government both of Church and State, without any Knights, Citizens or Burgeſſes ſummoned to aſſiſt or adviſe with them, or concurrent aſſents to ratifie what they enacted or ordered.

* Wil. Malmeſ. De Geſt. Reg. Angl. l. 2. c. 13. p. 81.

To theſe I ſhall annex ſome pregnant Precedents, both in, and ſince the *Conquerours* Reign, or Parliaments conſiſting of the King, and his Spirituall and Temporal Lords, and making and enacting Lawes and Statutes without the Commons preſence or conſent: ſome few of them now preſuming to arrogate to themſelves the ſole power and title of the Parliament in England, and abſolute Legiſlative power without the King or Lords, without and againſt all precedents in former ages.

About the year of our Lord 1060 King *Edward the Confeſſor* CONSILI O BARONUM *ſuorum, Legem. 67. annis ſopitam excitavit, excitatam reparavit, reparatam decoravit, decoratam confirmavit, & confirmata vocata eſt Lex Sancti Regis EDWARDI*, as the Manuſcript Authour of the ancient *Chronicle*

of

of *Litchfield* records, and * Mr *Selden* out of him.

[a] *Anno Dom.* 1070. *King William the First* (commonly called the *Conquerour*) *Consilio BARONUM SUORUM*; by the *counsell of his Barons* (in Parliament) *caused* twelve noble and wise Englishmen, skilfull in the Lawes, to be summoned out of every County, that he might hear their Laws and Customs from them; who meeting, and shewing what their Laws and customs were, reduced into writing by *Aldred* Archbishop of *York*, and *Hugh* Bishop of *London*, who copied them out with their own hands; they were with the ASSENT OF THE SAME BARONS, for the most part confirmed in that assembly, which was a *Parliament* at that time. [b] *Hoveden* writing *de Legibus Angliæ, & statutis Willielmi, servans post Conquestum*, hath this expression: *Hic intimatur quid Willielmus Rex Anglorum Cum PRINCIPIBUS SUIS CONSTITUIT, post conquisitionem Angliæ:* And King [c] *Henry* the First, in his Laws useth this expression, *Legem Regis Edwardi vobis reddo cum illis emendationibus, quibus Pater meus eam emendavit CONSILIO BARONUM SUORUM:* a cleer evidence and proof, that the King, and his Nobles and Barons alone, were the onely Parliament and Legislators in those dayes; without any Knights, Burgesses or Commons.

[d] *An.* 1070. In a Parliament or Councel held at *Pedreda*; the controversie between *Thomas* Archbishop of York, and *Ulstan* Bishop of Worcester touching certain Lands, was determined quietly *in Concilio celebrato coram REGE & Doroberneñs. atque PRIMATIBUS TOTIUS REGNI ADJUDICANTIBUS, terminata est*, as *Wigornienſis* and *Matthew Paris* testifie.

[e] *An.* 1071. In the first year of King *William* the first his Reign at *Pinnedene* there was held *PRINCIPUM CONVENTUS*, an assembly of the Nobles (or Parliament) by the Kings command, wherein the controversie between *Lanfranc* arch-Bishop of *Canterbury*, and *Odo* Earl of *Kent*, concerning divers Lands and Mannors belonging to the church of Canterbury was determined: which the King when he heard, commended; *Laudans CUM CONSENSU OMNIUM PRINCIPUM SUORUM CONFIRMAVIT*, &c. The King

* Ad Eadmerum Notæ. p. 171.
a) Hoveden. Annal. pars 1. pag. 600. 601. M. *Seldens* Titles of Honor. par. 2. c. 5. sect. 20. p. 701. & Notæ ad Eadmerum p. 171. &c. *Spelman.* Concil. p. 619.
b) Annal. pars Post. p. 608.
c) *Matth. Paris* in Hen. 1. p. 53. Edit. Tiguri. 1589.
d.) *Wigornienſis* An. 1070. *Mat. Paris* an. 1095. p. 20. *Seld. Tit. Hon.* p. 701.
e) *Eadmer. Hist. Nov.* l. 1. pag. 9. *Seldeni* Notæ ad *Eadmer.* pa. 197. &c. 199. *Seld. Tit. of Hon.* p. 702.

King, Spirituall and Temporall Lords and Barons (without any Knights, Burgesses or Commons for ought is recorded in our Histories) being then the Parliament, and they the (f) COMMUNE CONSILIUM TOTIUS REGNI NOSTRI, mentioned in his Laws.

(f) *Seld.* Notæ ad *Eadmerum*, p. 190, 191.

About the same time this King *William* commended and corrected the Episcopall and *Ecclesiasticall Laws of the Realm*, (g) *COMMUNI CONCILIO & consilio ARCHIEPISCORUM & cæterorum EPISCOPORUM & ABBATUM & Omnium Principum Regni mei emendendas judicavit*, as is manifest by his Rescript to *Remigius* Bishop of *Lincoln*. And in the *Libel* exhibited by the Clergy to King *Edward* the first in Parliament, there is this Recitall of this act of Reformation: *Cum Willielmus* dudum Rex Angliæ de COMMUNI CONCILIO ARCHIEPISCOPORUM, ABBATUM & OMNIUM PROCERUM REGNI SUI, *leges Episcopales, quæ non benè nec secundum sanctam canonem præceptæ fuerant, in Regno Angliæ observandas inconcusse judicaverit*; which manifests the Parliament and Common Councel in his reign be to the King, and the Spirituall and Temporall Lords of the whole Kingdom, without any House of Commons at all, divided from or annexed with them. In the year book of 21. *Edw.* 3. f. 60. We read *that the Abbot of Bury by an Ordinance in the reign of* William *the Conquerour, made in Parliament by the King, the Archbishop of Canterbury*, and BY ALL THE OTHER BISHOPS, EARLS *and* BARONS *of the Land, was exempted from all Episcopall jurisdiction.*

(g) 2 *Rich.* 2. membr. 12. nu. 5. *Seld.* Notæ ad Eadm. p. 167, 168.

And in his (h) Charter to the Abbie of *Battle* (made in Parliament) there is this clause: *Notum sit vobis, me concessisse & confirmasse, assensu Lanfranci Archiepiscopi Cantuariensis, & Stigandi Episcopi Cicestrensis, & CONCILIO etiam* EPISCOPORUM & BARONUM MEORUM, *ut Ecclesia sancti Martini de Bello* &c. *libera sit & quieta in perpetuum ab omni servitute, &c.*

(h) Selden. Notæ ad Eadmerum p. 165.

So as in his Reign there appeares no evidence for any Knights of Shires, or Burgesses sitting or voting in Parliament, but only the King and his Lords, Spirituall and Temporall, who enacted, judged and determined all publike affaires.

(i) Eadmerus Nov. l. 1. p. 26. *Seldens* Titles of Honour, p. 702.

In the seventh yeer of King *William Rufus* (ann. 1035) at the

the instance of arch-Bishop *Anselm* to end the controversies between the King and him, there was a Parliament summoned at *Rochingham* Castle, *quatenus* **Episcopis, Abbatibus Cunctisque Regni Principibus una coeuntibus** *communi assensu definiretur, utrum salvâ reverentiâ & obedientiâ sedis Apostolicæ,* Anselmus *posset fidem terreno Regi servare, annon? Fit itaque conventus omnium, &c.* Anselmus *autem* **Episcopis, Abbatibus & Principibus** *ad se à Regio secreto vocatis, eos & assistentem Monarcham, &c. numerosam multitudinem hâc voce alloquitur:* The Bishops and **Proceres Regni** did all in this great councel.

k) Eadmarus Nov. l. 2. p. 38. 39 40.

[k] About the ninth yeer of King *William Rufus,* anno 1097. in the month of August, *cum de statu Regni acturus Rex* **Episcopos, Abbates, & quosque Regni Proceres** *in unum præcepti sui sanctione egisset, & dispositis quæ adjurationis illorum causa fuerant,* writes *Eahmerus*; *Anselme* renewed his request to the King: where *Rex* **Episcopi & Principes, & Quique Proceres,** are brought in as the only Members of, and actors in that Parliament, without any Commons at all.

l) Matt. Paris p. 52, 53. *Seld. Titles of Honor,* p. 702. 703.

[l] *Anno Dom.* 1100 *William Rufus* dying without issue, and *Robert* his elder brother being absent, *Henry the First was chosen and crowned King Clero & Magnetibus cunctis,* by the Clergy and all the Nobles, *upon condition that he should willingly grant, and by his charter confirm those Liberties and ancient customes, which flourished in the Kingdom in the time of Saint Edward the King:* which he did accordingly, reciting in his Charter; *Sciatis, me Dei Misericordiâ, &* **Communi Consilio Baronum Regni** *Regem esse coronatum. Foresta* **Communi Consilio Baronum Pecum** *in manu mea retinui, & Legem* Regis Edwardi *vobis reddo, cum illis emendationibus quibus Pater meus eam emendavit* **Consilio Baronum Suorum:** *His testibus Archiepiscopis, Episcopis,* **Comitibus, Baronibus, Vicecomitibus** *&* **Optimatibus totius Regni** *Angliæ, quando coronatus fui.*

m) Eadm. Hist. Nov l. 3. p. 67. Will. Malmes. de Gestis Pon. Angliæ, l. 1. p 228. Hoved. Annal. pars 1, p 469. Matth. Westm. Anno 1102. pag. 23. Antiq. Eccles. Brit. pag. 104. 105. Seld. Tit. of Hon p 703.

[m] *Ann. Dom.* 1102. in the third year of *King Henry* the first, there was a Councel held at Westminster. *Huic conventui affuerunt Anselmo Archiepiscopo petente à Rege* **Primates Regni**; *quatenus quicquid ejusdem Concilii authoritate decerneretur*

neretur **Utriusque Ordinis** *concordi curâ & solicitudine ratum servaretur*, write *Eadmerus* and *Malmesbury* in the self-same words. In this Councel divers canons were made and published **Communi Consensu Episcoporum & Abbatum, & Principum totius Regni: Principes** *Regni sui* **Omnes** *tam Ecclesiastici, quam* **Seculares Ordinis,** were present with the King in this Councel, writes *Hoveden.*

[n] *Anno Dom.* 1106. King *Henry the first,* **Magnetibus** *Regni ob hoc Londonium Edicto Regio convocatis*, made a flattering Speech unto them, promising to ratifie King *Edwards* Laws, both by his Charter and Oath if they desired it, so as they would assist him against his Brother *Robert* and the *Normans*, which they did.

n) Math. Paris. Hist. Angliæ p. 59.

[o] *Anno* 1107. There was another Parliament and Councel held at *London* under this King. *Factus est Conventus* **Episcoporum** & **Abbatum** *pariter &* **Magnatum** (or **Procerum Regni**, as *Eadmerus*) *Londoniis in Palatio Regis.* Wherein there was an accord made between the King and *Anselm*, touching investitures of Bishops, *per concilium Anselmi &* **Procerum Regni.** In this Councel *Anselm, coram* **Rege, Regnique Episcopis** & **Principibus** exacted obedience and subjection from *Girald* Archbishop of *York.*

o) Math. Paris. p. 60. Eadmerus Hist. Nov. l. 4. p. 91. Hoveden Annal. pars 1. p. 471.

[p] *Anno* 1108. to redresse the incontinency of Priests, *King Henry* the first, *adunatis ad curiam suam in solennitate Pentecostes apud Londonium* **Cunctis Majoribus Regni**, *de negotio cum* Anselmo **Archiepiscopo**, *& cæteris* **Episcopis** *Angliæ tractavit*: Divers Laws and Canons were there enacted for this purpose, which were thus prefaced. *Hæc sunt Statuta de Archidiaconibus, Presbyteris, &c. quæ statuerunt* Anselmus *Cantuariensis Archiepiscopus*, Thomas *Eboracensis Archiepiscopus, electus cum eo,* **Omnesque alii Episcopi Angliæ** *in præsentia Gloriosi Regis* Henrici **Assensu Comitum** & **Baronum suorum** &c. *Or,* **Assensu Omnium Baronum suorum,** (as *Eadmerus* renders it) *Statutum est*, &c.

p) Hoveden Annal. pars 1. p. 472. Eadmer. Hist. Nov. l. 4. p. 94, 95.

q) Eadmerus Hist. Nov. l. 5. p. 114.

[q] *Anno* 1114. *Henricus Rex jussit* **Omnes Episcopos & Principes totius Regni** *ad curiam suam sub uno venire loco atque ut Rex jusserat* XVI. *Kal.* Octobris **Conventus Omnium** *apud Westmonasterium in Palatio Regis factus est*: Where the Popes Letter concerning the Bishops of *England* was read and debated.

r) Hoveden Annal. pars 1. p. 473. Eadmerus Hist. Nov. l. 5. p. 519

[r] *Anno* 1115. XIII. *Kal. Aprilis factus est Conventus* **Episcoporum,**

pozum, Abbatum & Principum totius Regni apud *Serberiam*, cogente eos illuc Sanctione Regis *Henrici*, writes *Eadmerus*: Which *Hoveden* thus expresseth; **Comites & Barones totius Angliæ**, *apud* Salesberiam *decimo quarto Calendas* Aprilis *convenerunt*. In this Parliament the King substituted his Son *William* to succeed him as his Heir. *Igitur cognita Regis voluntate, mox ad nutum ejus* **Omnes Principes** *homines ipsius* Willielmi: And in this Parliament the controversie between *Ralph* Archbishop of *Canterburie*, and *Thurstan* Archbishop of *York* concerning obedience to the Sea of *Canterburie* was debated and *Thurstan* ordered to submit, whereupon he renounced his Archbishoprick in a Pet.

s) Eadmerus Hist. Nov. l. 5. p. 118.

s The same yeer in *August* following one *Anselme* came from *Rome* to King *Henrie* the first being in *Normandie*, bringing Letters from the *Pope* authorizing him to be his Legat in *England*, which in a short time being made known in *ENGLAND*, *Admirati ergo* **Episcopi, Abbates & Nobiles Quique** Londoniæ *adunati sunt* super his, & quibusdam aliis præsente Regina, **Communi Concilio tractaturi**, where they resolved to prevent this Innovation, and sent the Archbishop of *Canterburie* to the King to prevent and inhibit this Legats entrance into the Kingdom. After which one t *Peter* obtaining a *Power Legatine* from the Pope over *England* and *Ireland*; this King returned him this Answer, *Legationis illius stabilem authoritatem, non nisi per conniventiam* **Episcopozum, Abbatum & Procerum** *ac totius Regni* **Conventum robozari posse** *constaret*. These respective Presidents clearly manifest that our Parliaments and great Councels all his Reign, consisted only of the King with all the Spirituall and Temporall Lords and Barons without any Commons, Knights or Burgesses at all, of whom we finde no mention.

t) Eadmerus Hist Nov. l. 6. p. 137, 138.

u) Math. Paris. p. 71. Huntindon Hist. l. 8. p. 386.

u *Anno* 1137. King *Henry* dying leaving, *Maude* the Empress his right Heir; *Stephen* contrary to his Oath invaded the Crown: *Congregatis enim Londoniis* **Regni Magnatibus**, *meliorationem legum promisit, juxta voluntatem & arbitrium singulorum*; whereupon OMNES *tam* PRÆSULES *quam* COMITES & **Barones** *qui filiæ Regis, & suis Hæredibus juraverant fidelitatem, consensum Stephano præbuerunt, dicentes fore nimis turpe, si tot Nobiles fœminæ subderentur*, &c.

x *Anno*

[x] *Anno* 1138. King *Stephen* on the fourth of *April*, held a Councel at *Northampton*, in which the Archbishop of *York* sate President, the Prelates, Abbots, Earls, Barons and **all the Nobility** of England *being there present.*

[x] Continuatio ad Florent. Wigornienſem p. 519.

* 1150. *Theobald* Archbishop of *Canterbury* held a Generall Councel at *London* in Midlent, where King *Stephen* and his son *Eustace*, ET ANGLIÆ PROCERES *interfuerunt*, and the Nobles of *England* were present, but no Commons that we read of.

*Hen. Huntindon, hist. l 8. p. 395.

[y] *Anno* 1153. King *Stephen* having no Heir but Duke *Henry recognovit in* **Conventu Episcoporum & aliorum Regni Optimatum**; acknowledged in an Assembly of the Bishops and other Lords (or Nobles) of the Realm, that *Henry* had an hereditary right to the Kingdom of *England*, and the Duke peaceably granted, that *Stephen* should quietly enjoy the Kingdome during his life. *Ita tamen confirmatum est pactum, quod ipse* **Rex & Episcopi** *tunc præsentes, cum cæteris* **Regni Optimatibus** *jurarent, quod Dux Henricus post mortem Regis, si illum superviveret, regnum sine aliqua contradictione obtineret.*

[y] Math. West. An. 1153. p. 42.

[z] *An.* 1154. King *Stephen* about the feast of *Michael* the Archangel *cum* **Episcopis & Nobilibus Angliæ Concilium** *Londoniis celebraturus tum pro Regni* **Negotiis**, *tum etiam negotio vacantis Ecclesiæ Eboracensis*; writes *Nubrigensis*. By which passages it is evident that the Parliaments of his Reign consisted only of the King, Bishops, and other Spirituall and Temporal Lords, without any Commons for ought appeares by Storie.

[z] Gul. Nubrigensis Rerum Angl. l 1. cap. 32.

[a] An. Dom. 1164. King *Henry* the Second held a Parliament at *Clarendon*, wherein *John de Oxonia* sate President, *de mandato ipsius Regis, præsentibus etiam* **Archiepiscopis, Episcopis, Abbatibus, Prioribus, Comitibus, Baronibus & Proceribus Regni**, where there was a Recognition made of a certain part of the Customes and Liberties of his Ancestors, to wit, of *Henry* his grandfather and others, which ought to be observed in the Kingdom, and to be kept by all, by reason of the dissentions and discords often hapning betwen the Clergy, and the Temporall Justices and great men of the Kingdome. Among these Customes this is one; *Archiepiscopi, Episcopi, & universæ personæ Regni qui de Rege tenent in capite, habeant possessiones suas de Rege sicut Baroniam, & inde respondeant Justiciariis & Ministris Regis, & sequantur & faciant omnes consuetudines Regias: Et sicut*

[a] Math. Paris. Hist p. 96, 97.

CÆTERI BARONES DEBENT *interesse* JUDICIIS CURIÆ CUM BARONIBUS *quousq; perveniatur ad deminutionem membrorum, vel ad mortem.* This Recognition the **Archbishops, Bishops, Abbots, Priors, Clergy, cum Comitibus, Baronibus, & Proceribus Cunctis**, with all the Earls, Barons and Nobles swore unto, and firmly promised in the word of truth *viva voce* to keep and observe to the King their Soveraign, and to his Heires *bona fide*, and without male engin for ever. So *Math. Paris* informes us [b] *Math. Westminster* thus briefly expresseth it. *Apud Claredonum coram Rege & Magnatibus Regni facta est recordatio Regnorum Libertatum & consuetudinum.* [c] *Hoveden* thus records it. *Eodem Anno Rex Magno Congregato Concilio, & omnibus Archiepiscopis & Episcopis Angliæ, coram illo congregatis, petiit* &c. The Commons for ought appeares, were no Members of this Parliament.

b) An. 1164 And Antiq. Eccl. Brit. pag. 122.

c) Annal. pars posterior. p 490.

Anno 1165. There was a Parliament held at *Northampton* Castle, wherein as *William Fitz Stephens*, and [d] Mr. *Selden* out of him; *Secunda die consulentibus* **Episcopis, Comitibus & Baronibus Angliæ Omnibus**, Archbishop *Becket* was accused of Treason, and thereupon the King demanded judgement against him. All of them accorded, that for his contempt in not coming upon the Kings summons, and sending no excuse, all his goods and moveables should be at the Kings mercy. Whereupon there grew a difference between the Bishops and Barons, which of them should pronounce the sentence against him, the Barons excusing themselves and putting it off to the Bishops, and the Bishops putting it off from themselves to the Barons. Whereupon the King moved with the controversie about pronouncing the sentence, thereupon the contoversie ceased, and *Henry de Bloyes* Bishop of *Winchester*, was at last enjoyned to doe it, and pronounced it against his will.

d) Titles of Honor. part. 2. c. 5 sect. 20. p. 705.

[e] *Anno* 1176. There was *Concil. generale*, a Parliament, or Generall Assembly of **all the Bishops, Abbots, Priors, Earles,** and **Barons** of *England* held at *Westminster*, for the determination of the great contention between *Alfonso* King of *Castile*, and *Sancho* King of *Navarre*, touching divers Castles and Territories in *Spain*, submitted to the determination of our King *Henry* the second, who all meeting together, their Advocates being fully heard *in præsentia nostra, & EPISCOPORUM &*

e) Hoveden Annal. pars poster. p. 561. to 566. Math. Paris p. 127.

COMITUM

COMITUM & BARONUM NOSTRORUM, King *Henry* the second, *habito cum EPISCOPIS, COMITIBUS, & BARONIBUS NOSTRIS cum Deliberatione consilio*, did accordingly determine it: *COMITES & BARONES Regalis Curiæ Angliæ ADJUDICAVERUNT Blevariam, utrique parti supra dictorum, quæ in jure petita fuerant. fieri restitutionem*, writes *Hoveden*, whose judgement the King ratified by his Charter under the great Seal of *England*.

[f] *Anno* 1173. *Lewis* King of *France*, *cum Archiepiscopis, Episcopis, Comitibus & Baronibus Regni sui*, bringing with them our King, *Henry* the 2d. his 3. sons, and *Henry* their Father, King of *England*, *cum* **Archiepiscopis, Episcopis, Comitibus**, & **Baronibus** *terræ suæ*, met between *Gisort* and *Trie* on the seventh of *October*, and there treated of an accord between the King of *England*, and *Henry* his son.

f) Hoveden Annal pars posterior p. 556.

[g] *Anno* 1175. King *Henry* the second, and the King his Son went to *Yorke*, where they met *William* King of Scots and *David* his brother, with almost all the Bishops, Abbots and great men of their Kingdomes, where the agreement made between the King of *Scots* and King *Henry* the Father was read and confirmed before the King his Son, *Roger* Archbishop of *Yorke*, *Hugh* Bishop of *Durham*, & **Comitibus** & **Baronibus Angliæ**, *& coram Episcopis & Abbatibus*, **Comitibus** *&* **Baronibus Regni Scotiæ** *in Ecclesia sancti* Petri Eboraci. So as the Kings, Bishops, Abbots, Earles and Barons of *England* and *Scotland* too, (without any conjunction or mixture of Knights and Burgesses) were the only Parliaments to conclude peace or war, or enact Laws in this Kings reign.

g) Hoveden Annal. pars poster. p. 544.

[h] The same yeer 1175. King *Henry* the second, **Magnum Congregavit Concilium** *apud Windeshores in octavis S. Michaelis, præsentibus & Rege filio Richardo Cant.* **Archiepisc.** *&* **Episcopis Angliæ** *&* *coram* Laurentio *Dublinensi* **Archiepisc.** *præsentibus etiam* **Comitibus** *&* **Baronibus** *Angliæ*: In which Councel the Catholike Archbishop of *Tuaman* and *Cantoris* Abbot of S. *Brandon*, and Master *Laurence* Chancellor of *Roderic* King of *Conact*, made a finall concord with King *Henry* the Father on the behalf of *Roderic* King of *Conact*, recorded at large by *Hoveden*: At this great Parliament upon this occasion, we read of none but

h) Hoved. Annal pars poster. p. 546. Antiq. Eccles. Brit. p. 94, 95.

but the King, Archbishops, Bishops, Earles and Barons of *England* to be present, not any one Knight of a Shire, or Burgesse.

i) Hoveden Annal. pars post. p. 548.

[i] *Anno* 1176. King *Henry* the second held a Parliament or *Concilium magnum* at *Nottingham*, *de Statutis Regni sui, & coram Rege filio suo, & coram* **Archiepiscopo, Episcopis, Comitibus & Baronibus Regni sui Communi omnium Concilio** *divisit Regnum suum in sex partes; per quarum singulas tres justiciarios itinerantes constituit*; After which, he records the Justices names, and the Counties allotted to each of their divisions; by which testimony it is most evident, that the King and the Spirituall and Temporall Lords and Barons were the only members of Parliament in this Kings raign, and did order and make Laws for the whole Kingdome without the Commons, of which there is no mention in any Parliament or Councel in this Kings life, that I can finde; nor in * *Anno* 1189. when there was a peace concluded between King *Henry* the second and *Philip* of *France*, thus expressed by *Hoveden*. *Convenerunt igitur præfati Rex Franciæ, & Rex Angliæ & Richardus comes Brittannicorum, cum* **Archiepiscopis, Episcopis, Comitibus & Baronibus suis,** *circa festum Apostolorum Petri & Pauli ad colloquium inter Turonem & Aras.* &c.

* Annal. pars post. p. 653.

k) Hoveden Annal. pars post. p. 546. Antiq. Eccles. Brit p. 94, 95.

[k] *Anno Dom.* 1189. King *Richard* the first after the death of King *Henry* the second, on the third day of *September* was crowned at *Westminster* by *Baldwin* Archbishop of *Canterbury*, divers other *Archbishops*, *Bishops*, *Abbots*, *Priors*, and the EARLS *and* BARONS *of England*, being assembled together at *London*, and present at it, *quorum consilio*, by whose advice he was crowned. That same year *Philip* King of *France* sent Embassadors to King *Richard* of *England* to acquaint him, that the King of *France* in a General Councel at *Paris*, and *all his Nobles* had sworn upon the holy Evangelists, that God willing they would immutably be at *Vizels* by the end of *Easter* in their voyage towards the Holy Land, desiring that he and his Earls and Barons would do the like & meet him there at that time. *Hinc factum est quod Richardus Rex Angl. &* **Comites & Barones sui,** *qui crucem susceperunt* **in generali Concilio** *apud Londonias, juraverunt tactis Sacro-sanctis Evangeliis*, &c. to meet them there at the time appointed; and both the King of *France* his Embassadors and

others

others on the behalf of the King of *England*, **juraverunt in eodem Concilio** &c. *& misit inde Chartam suam Regi Franciæ.*

l) *Anno* 1194. During the captivity of *Richard* the first, a little before his releaſe and return into *England*, *John* his brother endeavouring to uſurp the Kingdom from him, ſent one *Adam* a Clergy-man into *England* with Letters, to fortifie all his caſtles againſt the King his brother; who was apprehended together with his Letters by the Mayor of *London*, who delivered all his Letters to *Hubert* Archbiſhop of *Canterbury*, *Qui in craſtino convocatis coram eo* **Epiſcopis, Comitibus & Baronibus Regni,** *oſtendit eis literas Comitis* Johannis, *& earum tenorem: & ſtatim* **per commune Concilium Regni definitum eſt,** *quod Comes* Johannes *diſſaiſiretur de omnibus tenementis ſuis in Anglia, & ut Caſtella ſua obſiderentur: & ita factum eſt*, writes *Hoveden.*

l) Hoved. Annal. pars poſter. p. 735.

m) *Ann.* 1194. King *Richard* the firſt, *Concilio* **Procerum ſuorum**, by the advice of his Nobles, was crowned the ſecond time at *Wincheſter*, though with ſome reluctancy. (*n*) On the 30 day of March 1195, he celebrated *primum* **Conſilii ſui Diem**, *the firſt day of his Parliament at Nottingham*; at which Queen *Elenor* his Mother, both the Archbiſhops (one of them ſitting at the Kings right hand, the other at his left) and ſundry Biſhops and **Earles** (named by *Hoveden*) were preſent. On the 31 day of March, the ſecond day of the Parliament, the King demanded judgment againſt *Earl John* his brother, who againſt his fidelity ſworn to him, had ſeiſed and waſted his *Caſtles* and *Lands* on this ſide and beyond the Seas, and entered into a covenant againſt him with the French King his Enemy. He likewiſe demanded judgment againſt *Hugh de Novant* Biſhop of *Coventry*, who being privie to his ſecrets had deſerted him, and adhered to the King of *France*, and *Earl John* his Enemies, plotting all miſchief to the deſtruction of his Kingdom. **Et judicatum eſt,** That *Earl John* and the Biſhop ſhould be peremptorily cited, if they appeared not within forty dayes, *nec juri ſteterint,* **judicarunt,** *Comitem Johannem demeruiſſe Regnum, & Epiſcopum Coventrenſem ſubjacere judicio Epiſcoporum, in eo quod ipſe Epiſcopus erat; & judicio Laicorum, in eo*

m) Mat. Weſt. an. 1194. p. 68. Mat. Paris. p. 169.

n) Hoved. Annal. pars poſterior. p. 736. 737.

quod

quod ipse Vicecomes Regis extiterat. The third day of the Parliament the King demanded Aids and Taxes, which were granted. The fourth and last day of the Parliament, all the Clergymen and Lay-men that would, made their complaints against the rapines and exactions of the Archbishop of *York*; and *Gerard* of *Camvilla* was impeached, *for harbouring and receiving Thee ves*, and of *Treason*, for ayding and adhering to *Earl John and the Kings Enemies*; who denyed the Charges: and those who *accused him, put in sureties to prosecute, and he sureties to answer.* And this day the King appointed when he would be crowned: which done, this Parliament ended.

o) Hoved. p. 774.783.784. See pag. 743. 744.745.

o) *Anno* 1197. This King made a Law concerning the *assizes of Measures*, and concerning Legall Proceedings and Pleas of the Crown and Forrests: *Hæc est Assisa Domini Regis, & hæc sunt præcepta de Forrestis suis in Anglia facta,* **per Assensum & Consilium** *Archiepiscop. & Episc. Abbatum,* **Comitum & Baronum, & Militum totius Regni sui,** writes *Hoveden*: That these *Milites* were *Knights* of Shires chosen by Writ, appears not; I conceive them to be rather Barons that were Knighted, who were usually called Knights, as * Sir *Edward Cook* and others write: As for *Burgesses* and *Citizens*, there is no mention of them; so as in King *Richard*'s Reign it is evident, that (*p*) our Parliaments were held without any Commons or Burgesses, by the King and his Spiritual and Temporal Lords only; the proceedings in Parliament being still acted by and before the *Barons*, as M. *Selden* observes.

* Inst.4 p.5.6. 11. E.3. Fitz. Brief.473. M.Seld.Titles of Honor, p. 736.737.770. 771.

p) See M.*Seld.* Tit.of Honor. par.2.cap.5. p. 706.707.

In the first yeer of *King John*'s Reign (*Ann.* 1199) on the ninth of *June* the King came to *London*, where **Congregatis Angliæ Nobilibus,** he was crowned by Archbishop *Hubert*. So (*q*) *Matthew Westminster*; *Congregatis itaque in adventu ejus* **Archiepiscopis, Episcopis, Comitibus & Baronibus,** *atque aliis omnibus qui coronationi ejus interesse debuerant*: So (*r*) *Matthew Paris*: And that yeer I finde in (*s*) *Hoveden*, *Statuta quædam Johannis Regis*, beginning thus: *Eodem anno* Johannes *Rex* Angliæ **Statuit,** concerning the price of Wines: *Sed hoc primum Regis Statutum vix inchoatum, statim est adnihilatum, quia Mercatores hanc Assisam sustinere non poterant.*

q) Ann.1199. p.76.

r) Hist.Angl. p.189.

s) Annal.pars posterior. pag. 796.797.

t) *Ann.*

t) *Ann. Dom.* 1200. the great controversie touching the Barony that *William* of *Mowbray* claimed against *William* of *Stateville*, which had long depended in suit in the Kings Court, *tandem* **Concilio Regni**, & **Voluntate Regis**, *pax & finalis concordia facta est*, by way of composition. It seems, there was a Parliament held that yeer, and that the King and his Barons determined this controversie touching this Barony in Parliament.

t) Hoved pars poster. p. 803.

v) *Anno* 1204, in the fift yeer of King *John*'s Reign, *in crastino Circumcisionis, convenerunt ad colloquium apud Oxoniam* **Rex & Magnates Angliae**, *ubi concessa sunt Regi auxilia militaria, de quolibet scuto scilicet terrae duae Marcae & dimidia. Nec etiam* **Episcopi & Abbates** *sine promissione recesserunt.* And the same yeer there was (x) **Commune Concilium Baronum Nostrorum**, at *Winchester*, as appears by the Rolls of that yeer.

v) Mat. Paris. Hist. Angliæ, pag. 201. Matt. Westm. An. 1204. p. 80.

x) Rot. Parl. 5. Joan. Reg. Membr. 1. Num. 3. *Seld. Tit. of Hon.* pag. 707.

y) *Anno* 1205. certain Laws in the sixth yeer of his Reign, were made for the defence of the Kingdom, *communi assensu Archiepiscoporum*, Episcoporum, **Comitum & Baronum**, & **omnium Fidelium Nostrorum Angliae** : who these *Fideles* were, appears not; certain it is, they are stiled neither Knights, Citizens, Burgesses, nor Commons; and therefore may be well intended of those who adhered to the King against his Enemies, or others specially summoned to assist the King and Lords, as the Judges and others now are; or else all the Kings privie Councel.

y) Dor. Par. 6. Joh. R. Memb. 2. 4 Dors. Claus. 3. *Seld. Titles of Honor*, par. 2. cap. 5. p. 707.

The ancientest Writ of Summons to Parliament extant on record (as (z) Mr. *Selden* informs us) is in this sixth yeer of King *John*, directed to the Bishop of *Salisbury*; *Mandamus vobis, Rogantes quatenus omni occasione & dilatione postposita, sicut Nos & Honorem Nostrum diligitis, ad Nos apud London die Dominicâ proxime ante Ascentionem Domini* **Nobiscum** *tractaturi de magnis & arduis negotiis Nostris, & communi Regni utilitate. Quia super his quae à Rege Franciae per Nuncios nostros & suos Nobis mandata sunt, unde per Dei Gratiam bonum speramus provenire, vestrum expedit habere consilium &* **Aliorum Magnatum Terrae Nostrae, Quos** *ad diem illum & locum fecimus convocari. Vos etiam ex parte nostra et vestra* **Abbates**

z) Tit. of Honor, p. 708. Dors. Claus. 6. Joh. R. Memb. 3.

& Priores *Conventuales totius Diocæsis citari faciatis, ut Concilio prædicto interſint, ſicut diligunt Nos, & Communem Regni utilitatem.* By which it is apparent, that the Peers Spiritual and Temporal of the Realm were the onely perſons ſummoned to *treat with*, and *adviſe the King* as his great *Councel*, and the other *fideles* but their aſſiſtants, not any Burgeſſes, Knights or Commoners elected by the people.

a) Matt. Paris Hiſt. p. 218.

[a] *Ann.* 1209. King *John* requiring Hoſtages of *William de Brauſe*, a Nobleman, for his fidelity, as he had done of others, had this anſwer returned to the Meſſengers, *Si ipſum (Regem) in aliquo offendi, paratus ſum, & ero, Domino meo & ſine obſidibus ſatisfacere, ſecundum judicium Curiæ ſuæ, &* Baronum Parium meorum, *certo mihi aſſignato die & loco.* So that the Judgment of Parliament then reſided in the Peers alone, who together with the King and Spirituall Lords, made up the Parliament.

b) Matt. Paris p. 225. 230. 231.

[b] *Anno Dom.* 1213, on the 13 day of May, King *John*, *Pandulph* the Popes Legat, *cum* COMITIBUS & BARONIBUS, aſſembled at *Dover*, and concluded a form of Peace between the King and the Pope, there mentioned at large. The ſame yeer there was a Parliament held at S. *Albans*, there deſcribed by *Matthew Paris*. *Interfuerunt Concilio apud Sanctum Albanum Galfridus filius Petri, & Epiſcopus Winton, cum* Archiepiſcopo & Epiſcopis & Magnatibus Regni, *ubi cunctis pace Regis denunciata, ex ejuſdem Regis parte firmiter præceptum eſt, quatenus Leges* Henrici *avi ſui ab omnibus in Regno ſuo cuſtodirentur, & omnes Leges iniquæ penitus enervarentur, &c.* And the ſame year on the eighth of September there was a Conference or Parliament aſſembled at *London*, which he thus expreſſeth; *Convenerunt in Civitate Londoniarum apud Sanctum Paulum*, Stephanus Cantuar. Archiepiſcopus, cum Epiſcopis, Abbatibus, Prioribus, Decanis & Baronibus Regni. Where the Archbiſhop produced the Charter of King *Henry* the Firſt, (of the Liberties of *England*) which he cauſed to be read, beginning thus: Henricus *Dei gratiâ* Rex Angliæ, *&c. Sciatis, me Dei miſericordiâ, &* Communi Concilio Baronum Regni Angliæ, *ejuſdem* Regni *Regem eſſe* coronatum, *&c.* Towards the latter end thereof there is this clauſe; *Legem Regis*

gis Edwardi *vobis reddo, cum illis emendationibus, quibus Pater meus eam emendavit* **Concilio Baronum suorum.** When this Charter had been read, & **Baronibus audientibus** *intellecta fuisset*: and understood by the **Barons** that heard it, *they exceedingly rejoyced with great joy, and all of them swore in the Archbishops presence, that when they saw a fit time, they would (if need were) fight for their Liberties even unto death.* By which passages and Charters it appears most clearly, that the Parliaments of England both in King *William Rufus*, *King Henry* the First, and *King John's* Reigns, consisted only of the King, and Spirituall and Temporall Lords and Barons, without any Knights of Shires, Citizens and Burgesses elected by the people; and that they were the sole Law-makers in those times.

Anno 1114. being the fifteenth yeer of *King John's* Reign, this King (writes [c] Mr. *Selden*) summoned A KINDE OF PARLIAMENT to *Oxford*, by this STRANGE WRIT of Summons, that for ought that I have seen, is without example, and seems to point to that distinction of Tenants by Knights service, which I call here BARONES MINORES of that time, from the MAJORES, or such as were properly BARONS. The words of it are,

[c] Titles of Honor, part. 2. ch. 5. p. 710.

[d] *Rex Vicecomiti Oxon salutem: Præcipimus tibi, quod OMNES MILITES Ballivæ tuæ qui summoniti fuerunt esse apud Oxoniam ad N O S, à die Omnium Sanctorum ad 15 dies, venire facias* **cum Armis suis**; *Corpora verò* **Baronum** *sine Armis singulariter: &* **Indiscretos Milites de Comitatu tuo** *illuc venire facies* **ad Nos**, *ad eundem terminum,* **ad loquendum Nobiscum de negotiis Regni Nostri.** *Teste Meipso, apud Witten.* 11. *die Novembris.*

Eodem modo scribitur omnibus Vicecomitibus.

[d] Dors. Claus. 15. Joh. Reg. part. 2. Mem. 7.

This President seeems to prove that there were Knights of Shires summoned to Parliaments in King Johns reign.

To which I answer.

First, that it appeares not by any Historie or Record, that there was any Parliament held this yeer by King *John*; and Mr. *Selden* calls it not a Parliament simply, but only *a kinde of Parliament*, or something like it, being in truth rather a *Councel of Warre*, then a *Parliament*, as the Writ imports, it being against the rules

and [e] *Customs* of Parliaments, for men to come armed to it. Secondly, The Historie of that yeare imports, that the King received a great *overthrow in France* about this time; Upon receipt of the tidings whereof, he was much dejected and used this Speech to those that stood about him, [f] *Since the time I subjected my self and my Kingdomes to the Church of Rome, alas for grief, nothing hath hapned prosperously, but all things contrary to me*; and therefore it is probable, that this Summons was only of such Knights and others, who [g] held *by Knights service of him, and were bound to assist him in his warres by their Tenures*, to aid him with their Armes and counsell in this distresse, he having done the like before [h] *by his Writs, and fined those who disserted, or refused to assist him in his Warres, two or three times over before this yeer*, there being divers Writs and Presidents of this Nature, cited in the late [i] *discourses* about the *Commission of Array*. Thirdly, The Writ it self manifests that this was no summons to a Parliament. For first, *omnes Milites* in the first clause of the Writ formerly summoned to appear, and now again with their *Armes*, seem rather to be Souldiers, or Tenants holding by *Knights service*, then *Knights* by order: And these are only summoned to appear with their *Armes* at *Oxford*, but not to consult or advise with the King concerning the affaires of the Kingdome, therefore not summoned to a Parliament. Secondly, The Sheriffe is here to summon the Barons without Armes, to appear only in person: If those *Barons* were Barons of Parliament, and summoned to a Parliament, there ought to have been a [k] *Writ of Summons directed to every of them in particular*, not to the Sheriffe to summon them in grosse, without any writ to them, and they much rather then Knights or any others should have appeared in armes to aid the King, by reason of their tenures & great revenues. Therefore these **Barons** without Arms, whose bodies only were to appear, I conceive to be such poor Tenants, who were either not obliged, or not able to find arms of their owne; the word *Baron* being often used for a *Tenant*; and a married man, whom our Law-Books stile BARON; and that which perswades me hereunto is this clause in a like Writ of this King but two yeers before, when he feared an Invasion from *France*, whereby he commanded all the [l] Sheriffs

[e] Cook 4. Instit. p. 15.

[f] Math. Paris. p. 242.

[g] Math. Paris. p. 231. Mr. *Seldens* Titles of Honour, p. 713.

[h] Math. Paris. p. 198, 200, 201, 204. 224.

[i] Exact Collection, p. 850. &c.

[k] Cook. Inst. p. 1, 2. &c. Mr. *Seldens* Titles of Honor part 2. c. 5. sect. 21, 22, 23, 24, 25.

[l] Math. Paris. p. 224.

riffs *of England to ſummon* by good *Summons*, **Comites, Barones, Milites,** *& omnes liberos homines & ſervientes, vel quicunque ſint, & de quocunque teneant,* **Qui arma habere debent, vel arma habere poſſint,** *& qui* **Homagium nobis** *vel* **ligantiam fecerunt**; *quod ſicut Nos & ſeipſos & omnia ſua diligunt, ſint apud Doveram ad inſtans clauſum Paſcha, benè parati* **Cum armis & equis** &c. *Et quod nullus remaneat* **qui arma portare poſſit** *ſub pœna Culvertagii & perpetuæ ſervitutis. Et unuſquiſque ſequatur Dominum ſuum, & qui terram non habent* & ARMA HABERE POSSINT, *illuc veniant ad capiendum ſolidatas noſtras*; which writ is an excellent Commentary upon this. Thirdly, There are only 4. *diſcrete Knights* (or Souldiers rather) of every County ſummoned to come to the King to *conferre with him about the affairs of his Kingdome* in the laſt clauſe of this Writ, which only favours of a ſummons to a kinde of Parliament. But theſe certainly were no Knights of the Shire for a Parliamentary Aſſembly as is evident, 1. By their number, 4. out of every County, when the Knights for Parliament were never but two at moſt for one County, and but one for ſome Counties. 2. They were not to be elected by the Free-holders and people, but ſummoned only by the Sheriffe himſelf at his diſcretion. 3. They are ſummoned only **ad loquendum nobiscum**, to ſpeak with the King of the affairs of his Kingdom; not *ad tractandum faciendum & conſentiendũ his quæ tunc ib. de communi conſilio dicti regni noſtri contigerint ordinari ſuper negotiis antedictis*, as Knights of the Shires are in all Writs for their Election. 4. There is no mention in this Writ of any *Parliamentum noſtrum* appointed to be held at *Oxford*, or of any conference or treaty to be there held *cum Prælatis, Magnatibus & Proceribus Regni noſtri*, nor yet of *Duos Cives de qualibet Civitate*; nor of *Duos Burgeſſes de quolibet Burgo Com. illius* to be elected, ſummoned, returned, as in all writs of Election for Knights of Shires and Burgeſſes for a Parliament: Therefore this Writ was certainly no ſummons to a Parliament, nor this meeting at *Oxford* any Parliament at all, but only a Councell of *Warre* or *State* upon a ſpeciall occaſion: and ſo no proof at all of any Knights of Shires (much leſſe of Burgeſſes) in the Parliaments of this Kingsreign; which the next Preſident in his time will unanſwerably clear.

111

In

m) Mat. Paris. p. 243. to 252. In the 16 yeer of m *King John's* Reign, *Anno Dom.* 1215. *Convenerunt ad colloquendum apud Sanctum Edmundum* **Comites & Barones Angliæ**: Where the Charter of King *Henry* the First (containing certain Liberties and Lawes of King *Edward*, granted *both to the Church &* **Magnatibus Regni**) was again produced: which read, they all swore upon the high Altar in S. *Edmonds* Church, that *if the King refused to grant the said Laws and Liberties, they would wage warre with him, and withdraw their Allegeance from him, till he did by his Charter under his Great Seal, confirm all things which they requested; resolving all to repair to the King after the Nativity of our Lord, to get those Liberties confirmed.* Whereupon, after *Christmass, Anno* 1216. in the seventeenth yeer of this Kings Reign, they repaired to the King to *London*, requiring him *to confirm these Laws and Liberties*: the King deferred them till after *Easter*, promising them to satisfie them in all things; At last, after some encounters, and castles taken by the *Barons*, who had raised a very great Army against the *King*, *REX & MAGNATES*, the *King* and his *Nobles* came to a Treaty; the 15 day of *June* in a Meadow betwixt *Staines* and *Windsore*; where he granted and confirmed them such a *Charter* of their *Lawes* and *Liberties* as was desired: In which *Charter* there is this clause concerning Parliaments and Summons to them, and

n) Math. Paris. p. 247. Seldens Titles of Honor, p. 709. *for Aids and Assessements,* n *& ad habendum COMMUNE CONSILIUM REGNI de Auxiliis assidendis nisi in tribus casibus prædictis; &* **De Scrutagiis Assidendis** *summoneri faciemus* **Archiepiscopos, Abbates, Comites & Majores Barones Sigillatim** *per Literas nostras; & præterea faciemus summoneri per Vicecomites & Ballivos nostros omnes alios qui in Capite tenent de Nobis ad certum diem, scilicet ad terminum quadraginta dierum ad minus, & ad certum locum, in omnibus Literis submonitionis illius, causam submonitionis illius exponentibus, & sic facta submonitione, negotium præcedat ad diem assignatum, secundum consilium eorum qui præsentes fuerint, quamvis non omnes submoniti venerint.* By which clause I conceive it evident; that in *King John's* reign, none but *Bishops, Abbots, Earls*, great *Barons* and lesser *Barons*, who held Lands of the *King in Capite*, were summoned to our *Parliaments*; who were

to

to be all summoned of right, and none of them omitted or secluded: But for any *Knights*, *Citizens* or *Burgesses* then summoned or sent unto our *Parliaments* by any Writs of Election, or of any *House* or *Parliament of Commons*, I finde no proof, nor example in any History or Record.

I should now proceed to prove, that in all *King Henry* the Third his Reign, at least till 49. *Henry* 3. if not in some ages after, our English *Parliaments* were composed only of the *King, Lords Spiritual and Temporal, and Peers and Barons of the Realm*; and that after the Commons were first summoned and admitted to our Parliaments in the Reign of *Edward* the First, and made an House in *Edward* the Third his Reign, the *Legislative Power* for divers Kings Reigns, and the ordinary *Judicial power or Judicatory of our Parliaments* till this very day resided and continued in the *King and House of Peers*; But the precedents of this nature, and proofs to evidence it, being large and numerous, I must reserve them for a second part, and another particular Tract, which (if God send liberty and opportunity) I intend to compile and publish; this being already swoln to a just vendible proportion in these necessitous times; and something of this nature having been already published by me in my *Plea for the Lords*, my *Ardua Regni*, and *Legal vindication of the Liberties of England against Illegall Taxes* and pretended *Acts of Parliament*, p. 5. 6. (which they who desire present satisfaction may peruse) its speedy publication may be the better respited till a fitter season.

FINIS.

A Short DEMURRER To the JEWES Long discontinued barred Remitter into ENGLAND.

Comprising,

An exact *Chronological Relation* of their *first Admission into*, their *ill Deportment, Misdemeanors, Condition, Sufferings, Oppressions, Slaughters, Flunders, by popular Insurrections, and regal Exactions in*; and their *total, final Banishment by Judgment and Edict of Parliament, out of* England, *never to return again*; collected out of the best Historians and Records.

With a *Brief Collection* of such *English Laws, Scriptures, Reasons*, as seem strongly to plead, and conclude against their *Readmission into England*, especially at this season, and against the *General calling of the Jewish Nation*. With an *Answer to the chief Allegations for their introduction*.

The second Edition, enlarged.

By *William Prynne* Esq; a Bencher of *Lincolnes-Inne*.

2 Chron. 19. 2. *Shouldst thou help the ungodly, and love them that hate the Lord? therefore is wrath upon thee from before the Lord.* Prov. 6. 27. *Can a man take coals in his bosome, and his cloaths not be burnt?*

Concil. Toleta. 4. cap. 57. *Swius* Concil. Tom. 2. p. 734. *Tanta est quorundam cupiditas ut quidam eam appetentes etiam a fide erraverint: multi quippe hucusque ex Sacerdotibus atque Laicis accipientes a Judæis munera, perfidiam eorum suo patrocinio fovent, qui non immerito ex corpore Antichristi esse noscuntur, quia contra Christum faciunt. Quicunque ergo deinceps Episcopus, sive Clericus, sive Secularis, ille contra fidem Christianam suffragium vel munere, vel favore præstiterit, vere (ut prophanus & Sacrilegus) anathema effectus, ab Ecclesia Catholica, & Regno Dei habeatur extraneus: quia dignus est ut a corpore Christi separetur, qui inimicis Christi PATRONUS efficitur.*

Printed at *London*, for EDWARD THOMAS dwelling in Green-Arbor, 1656.

To the

Christian Reader.

THat I may not justly (a) *suffer* (so much as in thy Thought) *as a busie-body in other men's matters*, for publishing my Opinion in a *publick Case*; wherein I conceive my self some wayes interessed, both as a *Christian* and *English Free-man*: I shall inform thee of the true original cause of this my sudden unpremeditated undertaking.

(a) 1 Pet. 4. 15.

Being much affected with God's late admirable Providence, in causing the (b) sixth day of this instant *December* to *be set apart for a Day of Solemn Fasting and Humiliation, for the late Rebukes we have received, the Tares of Division that have been sown by the envious one, and the growth they have had through his subtilty; the abominable Blasphemies, Apostacies, and abuse of Liberty by many professing Religion, and the continual Series of Difficulties we have been exercised under: and, inviting all the People of God in these three Nations on that day, to joyn in solemn and earnest Supplications to*

(b) See the Declaration of 21 Nov. 1655.

the Throne of Grace, That the Lord will be pleased truely to humble our present Governours, and the Nation, under his Righteous Hand, that we may be every one searching out the Plague of his own Heart, and turn unfeignedly from the evil of our wayes. This being the very day of the Month, whereon this time seven yeers, (*December* 6. 1648.) Colonel *Pride* with other *Officers of the* ARMY, besetting the Parliament-House with their armed Forces (*c*) raised to *Defend its PRIVILEDGES and MEMBERS*) against their *Trusts, Duties*, forcibly *seised*, *secured* my self, with above forty Parliament-Members more, as we were going into the Commons-House to discharge our *duties*; transslating us that day from the *Queens Court* (where they first *imprisoned* us) to *Hell* in *Westminster*, and there lodging us upon the *bare boards* without *Beds*, all that miserable Cold Night, like so many *Turkish Gally-slaves*, rather than *Parliament-Members:* seconded with other succeeding Restraints, and high unparallel'd Violations both of our Parliamentary Priviledges, and Hereditary Laws and Liberties. Which transcendent Exorbitancies, as we may justly fear, are the *Plague of the Heart*, and *Evil of their Wayes*, who were the chief Contrivers or Actors of them; if not the *greatest Rebukes* the English Parliament or Nation ever received; the most *dangerous Tares of Division that have ever been sowen by the envious one in our Realm, which have since extraordinarily grown and spread amongst us through his subtilty*; the *saddest Apostacy*, and *abuse of Liberty by men professing Religion* ever heard of amongst Christians; and the very Fountain of all *that continued series of difficulties we have since been exercised under.* For which the principal Architects, Executioners, and whole English Nation had never publickly been humbled, nor seriously lamented, repented them in seven whole yeers space; It pleased God by his over-ruling Providence, beyond the Intentions or Thoughts of Men, so at last to bring it about, that this very forgotten *sad day*, whereon this was publickly acted, should be now by a printed *Declaration*, specially de-

(*c*) *A Collection of Ordinances, p.* 599, 623.

devoted for *A Day of solemn Fasting & Humiliation, throughout this Commonwealth*, to lament and bewail these former enormous Actions on it, as well as other Crimes. Having informed divers thereof, both before and on this Fast-day, who were much taken with it; On the seventh of *December*, (the day after the Fast, on wch the *secured Members* that time seven yeers were carried from *Hell* to *White-Hall*, and there kept fasting till past seven a clock at night to attend the *Army-Officers*, who pretended a desired conference with them; and at last, without vouchsafing to see them, sent them PRISONERS through the dirt with Musqueteers at each of their backs, & other Guards of Horse by their sides, to the King's Head and Swan, where they long remained:) I walked down to *Westminster*, to visit some of my then *Fellow-Prisoners* and *Members*, to acquaint them with this *memorable Providence*; in my passage thither in *Martin's*-Lane, I unexpectedly met with Sir *John Clotworthy* (who was one of them) leading his Lady on foot towards *Wallingford-house*, the place whither the Officers promised to carry, and there to confer with us, when they thrust us into *Hell*; who taking notice of, and saluting me, I informed him of the foresaid *adorable Providence*, in appointing the *former dayes Fast* on that day seven yeers whereon we were *seised*: who *professing he had forgotten it, and that it came not within his thoughts; but in truth it was very miraculous, and worthy special observation.* We thereupon walked on, discoursing of it till we came to *Wallingford-house-gate*, where Colonel *Pride*, who then *seised*, met us full but; and I not perfectly knowing him, Sir *John* told me, here is Colonel *Pride*, and then gave him this seasonable Memento; Fellow *Pride*, *Remember this Time seven yeers.* So we parting company, I went & visited some others of my then Fellow Prisoners in *Westminster*; discoursing with them of these *Providences*, (wherewith they were much affected, as having not observed them before) and of our Fast at *White-Hall this day seven yeers.* In my return homewards that day by the Garden-wall at *White-Hall*, Mr. *Nye* the Minister,

going very fast, there overtook, and saluting me by name, presently demanded this unexpected Question of me; *Whether there were any Law of* England *against bringing in the Jews amongst us? for the Lawyers had newly delivered their Opinions, there was no Law against it.* To which I answered, *That the Jews were in the yeer* 1290. *all banished out of* England, *by Judgement and Edict of the King and Parliament, as a great Grievance, never to return again: for which the Commons gave the King the fifteenth part of their Moveables: and therefore being thus banished by Parliament, they could not by the Laws of* England, *be brought in again, without a special Act of Parliament, which I would make good for Law. He replied, I wish it might not be done otherwise; &, that this business had been formerly moved in the Bishops time, rather than now.* To which I subjoyned; *That it was now a very ill time to bring in the Jews, when the people were so dangerously and generally bent to Apostacy, and all sorts of Novelties and Errors in Religion; and would sooner turn Jews, than the Jews Christians.* He answered, *He thought it was true, and was sorry he could not discourse longer with me, the Committee about the Jews being sate, and staying for him as he feared.* Whereupon, as he was turning in towards *White-Hall-Gate*, I told him, *The Jews had been formerly great Clippers and Forgers of Mony, and had crucified three or four Children in* England *at least, which were principal causes of their banishment.* To which he replied, *That the crucifying of Children was not fully charged on them by our Historians, and would easily be wiped off.* Whereto I answered, *He was much mistaken:* and so we parted. As I kept on my way, in *Lincolnes-Inne* Fields, passing by seven or eight maimed Soldiers on Stilts, who begged of me; I heard them say aloud one to another, *We must now all turn Jews, and there will be nothing left for the poor.* And not far from them another company of poor people, just at *Lincolnes-Inne* back Gate, cried aloud to each other: *They are all turned Devils already, and now we must all turn Jews.* Which unexpected concurrent Providences and Speeches, made such an impression on my Spirit, that before I could take my rest that night, I perused most

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of the passages in our English *Histories* concerning the Jews *carriage* in *England*, with some of their misdemeanors in other parts, to refresh my *memory*, and satisfie my *judgement*; making some Collections out of them, which after I enlarged and digested into this ensuing *Demurrer*, with as much speed as *the sharpneß of the season* would permit; and was induced to *publish it* (knowing no particular discourse of this Subject extant) for the *general information, satisfaction of others, and honour of my blessed Lord and Saviour Jesus Christ the righteous, whom the Jews with malicious hearts, and wicked hands* (d) *crucified* in person heretofore, and their posterity by their *blasphemies, despiteful actions* against Christ, his Kingdom, Offices, Gospel (e) *crucifie afresh every day, trampling under foot the Son of God, putting him to open shame, offering despite to the Spirit of Grace, & counting the blood of the Covenant an unholy thing.* And in all their publick and private Devotions, praying constantly for the sudden, universal, total, final subversion, extirpation, perishing of Christs Kingdom, Gospel, and all his Christian Members; which they plot, and continually expect, such is their implacable transcendent malice. I have deduced their introduction into *England*, only from *William* surnamed the *Conqueror*, because I finde not the least mention of them in any of our *British*, or *Saxon Histories, Councils, Synods, Canons*, which doubtlesse would have mentioned them, and made some strict *Laws* or *Canons*, against their *Iewish* as well as against *Pagan Superstitions*, had they exercised them here, as they would have done as well as in *Spain*, & other places, had they resided here. That any of them were here in the time of our famous Emperor *Constantine*, is but a dream of such, who because they finde an *Epistle* of *Constantines* in the Council of *Nice*, *to all the Churches of Christ*, in (f) Sir Hen. Spelmans *Collections of the Decrees, Canons, and Constitutions of the British World*, wherein is mention made of *the Churches of* Britain, in that age, as well as in *Rome, France* and other parts, *keeping the Passeover in a different manner from the wicked blinded Iews*, would thence infer, there were then Jews resident in *Britain*; of which there

(d) *Acts* 2. 23, 36. c. 3. 14, 15. 1 *Thess.* 2. 14, 15, 16.

(e) *Mat.* 26. & 27. *Heb.* 6. 6. 1 *Joh.* 4. 3.

(f) Spelmanni *Concil.* p. 43, 44.

there is not one syllable in that *Epistle*, nor in any Classick Author Forrain or Domestick, I yet ever saw or heard of.

That they were setled in our Island in the *Saxons time*, is collected, onely from that Law inserted by (*g*) *Hoveden*, and (*h*) *Spelman* amongst *Edward the Confessors*, here cited, p.3. But there being no mention of the Jews in any of our *Saxon Kings Raigns*, *Councils*, *Decrees*, *Laws*, before the *Confessor*, out of *which* all his Laws *were* (*i*) *wholly extracted*, and this Law of the Jews being not to be found in the true Original Copy of the *Confessors* and *Conquerors Laws* of Abbot (*k*) *Ingulphus*, who flourished in that age, *was present at their confirmation*, *and then brought them to Croyland Abby*, published by Mr. (*l*) *John Selden*, nor yet in *Bromton*, I cannot but reject it as counterfeit, and esteem it rather, a Declaration of the Jews Condition in *England* in *Hovedens* time (inserted by him, as well as some other things of punier date, amongst these Laws) rather than any Law of, or in the *Confessors* days, wherein I can finde no evidence of any Jews residence here, but only this interpolation and forged Law, which Mr. *Selden* wholly omits in his Collection of his Laws. The History of King *William Rufus*, his *compelling the Iews of* Rhoan *that were turned Christians*, *to renounce their Christianity and turn Iews again*, ACCEPTO PRETIO APOSTASIÆ, upon the complaint and mony given him by the Infidel Jews there, with the Dialogue between *Him* and *Stephen* the Jew, cited out of *Holinshed*, here p. 5, 6. I finde originally recorded of him by (*m*) *Eadmerus*, living in his raign: who though very bitter and injurious to him, by reason of the great Contests between him & *Anselme* (whose Favourite, Follower and Companion in adversity *Eadmerus* was) yet he relates it not as a certain Truth, but as a Report of others of that Country, who had another Opinion of *Rufus*, *Quam de Christianis Christianos Lex Christiana docet habere: quæ tamen sicut illa accepimus simpliciter ponam, non astruens vera an secus extiterint, an non.* Onely he addes this passage to the story of *Stephen*, which *Holinshed* omits: *That St.* Stephen *appearing to him as he was travelling*

(g) *Annal. pars posterior, p 604.*
(h) *Spelmanni Concil. p.623.*
(i) *Malmesbury de gestis Regum Angl. l.2. c.1. p. 75. Chronicon Johannis Brom. col. 956, 957. Spelmanni concil. p.625.*
(k) *Ingulphi Hist. p.914.*
(l) *Ad Eadmerum Notæ, p.172, to 195.*
(m) *Historiæ novorum, l.2. p.46, 47.*

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on the way, he demanding of him who he was? Answered, *That he was long since of a Jew made a Christian, and was* Stephen *the first Martyr; but for this cause, I have now come down from Heaven to Earth, that thou casting away thy Iewish Superstition, mightest be made a Christian; and being baptized in Christ, mightest be called by my name. Whereupon he became a Christian, and was baptized.* That immediately after the conference between the *King* and *Stephen*, (which agrees with that in *Holinshed*) he being thrust out, and meeting his Father standing before the door, expecting the event, being animated against him, said; *O Son of death, and fewel of eternal perdition, is not thine own damnation sufficient for thee, unless thou also cast me headlong into it together with thee? But God forbid, that I to whom Christ is now revealed, should ever acknowledge thee henceforth for a Father, because the devil is thy father.*

I have omitted in this second enlarged Edition of my *Demurrer*, no passage to my knowledge, in any of our Historians, relating to our former English *Iews*, reciting them all in a Chronological Order in the Historians own words, quoted in the Margin: only I finde sundry Records concerning them, which I shall supply by a subsequent *Appendix* by themselves, to gratifie those who bought the first Edition, whom their insertion into this might have injur'd.

Herein (*m*) I have only briefly touched, not handled, the great Question, *of the general calling & conversion of the Iewish Nation to the Faith of Christ, towards the end of the world*; for which I cannot finde any satisfactory grounds in Scripture. That Text of *Levit.* 26.41, *to* 46. on which some build their general call, having these two clauses in it, that seem strongly to oppose, or make it very dubious, *v.*41. IF THEN *their uncircumcised heart be humbled, and that they accept of the punishment of their iniquity*, &c. & *v.*46. *I will not cast them away, neither will I abhor them to* DESTROY THEM UTTERLY. And that other Text of *Rom.* 11. whereon others most rely, having this conditional passage & expres clauses against it, *v.*23. *And they also*, IF *they abide not still in unbelief, shall be grafted in, for God is able* (he saith not resolved) *to graffe them*

(m) *P.* 64, 65, 89, 60.

in again. And *v.*3, *to* 8. *I have reserved to my self* 7000 *men*, &c. *Even so then at this present time there is a Remnant according to the election of grace*, &c. *But the Election hath obtained it, and the rest were hardned, or blinded.* Which compared with *Rom.* 9. 27, 29. (*Isaiah* also saith concerning Israel, *Though the number of the children of Israel be as the sand of the Sea, yet a* REMNANT *of them (only) shall be saved.* *Except the Lord of Hosts had left unto us A SEED, A VERY SMALL REMNANT (so *Isaiah* calls it) *we had been as Sodom*, &c.) will necessarily evince, that *Rom.* 11. 26. *And so all* Israel *shall be saved*, &c. (on which they ground this general call) must be intended onely *of all this small elect remnant* of the *Israel of God, and seed of Abraham according to the faith*, not *flesh*, Rom. 4 11, 12, 13, 14, 15, 16. Gal. 3. 7, 8, 9, 14, 16. Ga. 6. 16. *of all such who are* Jews *inwardly, and have the Circumcision of the heart*, Rom. 2. 28, 29. not of the whole Jewish Nation, (whose servants I fear were as few under the Gospel, as the Gentiles, Converts, and Proselytes under the Law.) And those who will strain that Text further, must necessarily aver, not only an *Universal Calling*, but likewise *Salvation and taking away the ungodliness and sins of the whole Nation then by Christ*, (of which that Text only speaks) not only conttary to these forecited Scriptures, and Gods dealing with all *other* (n) *Churches, Nations*; but to *Jer.* 3. 14. I *will take you, one of a City, and two of a Tribe, and I will bring you to Sion.* Mat. 21. 16. *Many are called, but few chosen: & few saved*, Mat. 7. 14. Luke 13. 23. Therefore for any to call in the Jews among us upon this surmise of their general approaching Conversion, is a strange Solecism, both in State-Policy and Christianity, especially in this age, wherein that Speech of (o) *Waltramus* Bishop of *Naumburge*, is most truely verified, *Diabolus videns Idola derelicta, & per nimium credentium populum sedes suas ac templa deserta, excogitavit novam fraudem, ut sub ipso Christiani nominis titulo fallat incautos; hæreses q; invenit & schismata, quibus subverteret fidem, corrumperet veritatem. Exinde divisa est Ecclesia, & divisa sunt Ecclesiæ Sacerdotia, atq; omnia scandalorum orta sunt genera.*

Ex-

Isa. 10. 20, 22, 23.

Isa. 1. 9. *See c.* 11. 11, 16.

Joel 2. 32.

(n) *Rev.* 3. 4.

(o) *De unitate Ecclesiæ Francofurti.* 1600. *p.* 180, 191, 216. *See Jacobus Usserius, De Ecclesiarum Christian. Successione & Statu, c.* 5. *p.* 108, 109, 119.

Exinde crevit grave & diuturnum bellum, & non solum civile bellum, sed & plusquam civile bellum, & factæ sunt absq; divino pariter & humano respectu vastationes Ecclesiarum, & cædes hominum: Exinde etiam corruptæ sunt divinæ pariter & humanæ leges, sine quibus non subsistit vel Dei Ecclesia, vel Imperii Respublica: & ex inde violata est fides & publica, & Catholica: exinde etiam illa crevit injustitia, ut pro veritate falsa testimonia, & pro fide Catholica, abundent perjuria: ut postquam Leges bello silvere coactæ, impleatur iam ista Domini sententia per Oseæ Prophetam: Non est veritas, & non est misericordia, & non scientia Dei in terra: maledictum, & mendacium, & homicidium, & furtum, & adulterium inundaverunt, & sanguis sanguinem tetigit. Ipse Diabolus videtur nunc de carcere suo solutus esse. Hinc publicæ civium contra Cives congressiones, aliis pro pastoribus legitimis, aliis vero contra pastores dimicantes: as he and (p) *Gerhobus Richerspergensis* writ of Pope *Hildebrands* dayes.

(p) *De Investigatione Antichristi Syntagma, p. 41.*

If any man chance to censure me, as overharsh or earnest in my expressions against the Jews; I hope that speech of their royal Prophet, (a man after Gods own heart) *Ps.* 139. 20,21,22. *Do not I hate them, O Lord, that hate thee? and am I not grieved with those that rise up against thee? I hate them with a perfect hatred, I count them mine enemies: for they speak against thee wickedly; depart from me therefore ye bloody men:* will apologize for me; especially seeing their* *Proposals are, Not only to be admitted and received into our Commonwealth under the protection and safeguard of our Governours,* AS THE NATIVES THEMSELVES: *and that all the Heads and Generals of Arms may take an Oath to defend them upon all occasions, that they may be permitted to traffick freely in all sorts of Merchandize as others; but to be judged by their Judges in differences between themselves, according to the Mosaick Law:* And *to be allowed* PUBLICK SYNAGOGUES, *not onely in* ENGLAND, *but also* IN ALL OTHER PLACES *under our power;* and TO OBSERVE IN ALL THINGS THEIR RELIGION AS THEY OUGHT: *That in case there have been any Laws against their Jewish Nation, they*

*See the humble Addresses of Manasseh Ben Israel in behalf of the Jewish Nation, and their printed Proposals.

they may IN THE FIRST PLACE, and BEFORE ALL THINGS BE REVOKED. A clear evidence of an intended design in them, only to set up their (r) Synagogues of Satan, Judaism, & Jewish Ceremonies in the highest degree, *amongst us, as lawful*, in direct opposition and subversion of our only Lord, Saviour, Redeemer, Mediator, Jesus Christ his Person, Offices, Kingdom, Gospel and Christianity it self, without any thoughts of turning Christians themselves. As *Manasseh Ben Israel* his printed Addresses most fully discovers. In which case not to be passionately *zealous, not to* (s) *contend earnestly for the Faith against these ungodly men, turning the Grace of our God into lasciviousness, and denying the only Lord God, and our Lord Jesus Christ*; is in a great measure to deny and betray them, together with our Church, & Nation at once, unto these their inveterate enemies. For whose Conversion, (not National, but of the **very small elect Remnant* of them) as I shall pray, so I cannot but pray and write against their Re-admission amongst us on these, or any other terms, for the Reasons here humbly presented to thy view, and Christian Consideration, by

(r) *Rev.* 2. 9. 6. 3, 9.

(s) *Numb.* 25. 15. *Gal.* 4. 18. *Jude* 3. 4.

* *Isa.* 1. 9. *Rom.* 9. 27.

Lincolnes-Inne, 14 *December*, 1655.

Thy Christian Brother, and Companion in tribulation, and in the Kingdom & Patience of Jesus Christ,

William Prynne.

A Short Demurrer to the Jews long discontinued Remitter into ENGLAND.

HOw the Nation of the Jews (*once* (a) *Gods own beloved, special, chosen People*) after their (b) *malitious crucifying of our Saviour Jesus Christ*, and imprecation, *That* (c) *his Bloud might be on them and their children*, were for this (d) *their crying sin especially*, made the saddest spectacles of divine Justice, and humane Misery of all other Nations in the World, being quite extirpated out of their owne Land, almost totally deleted by the sword, pestilence, famine; carried away Captives, and dispersed like so many Vagabonds over the face of the whole Earth, as the very off-scowring of the World, and execration, derision of all other people, having no place, City, form of Government, or Republike of their own, in any corner of the Universe; (according to Gods *Comminations against them*, Levit. 26. 14. *to* 46. Deut. 28. 15. *to* 68. Jer. 9. 10. *c.* 13. 24. Ezech. 5. 2. *to the end.* *c.* 12. 15. *c.* 22. 15. Mich. 1. 21. Mat. 24.) Or what banishments, punishments, oppositions, restraints by penal Lawes, suppressions of their Synagogues, Ceremonies, they have received in all ages from Christian Kings, Princes, Republikes in Forein parts, for their implacable malice, blasphemie against our Saviour Jesus Christ, Christians, Christian Religion, and other Crimes and Misdemeanors to which they are most addicted, is not the subject of my intended *Brief Discourse*,

(a) Deut. 7. 6. c. 14. & c. 26. 19.
(b) Acts 2. 22. 1 Thess. 2. 15, 16.
(c) Mat. 27. 25.
(d) 1 Thess. 2. 15, 16.

and so fully related by *Josephus*, *Egesippus*, *Eusebius*, *Nicephorus*, *Zonaras*, *Paulus Diaconus*, *Paul Eber*, the *Magdeburgian Centuriators*, out of them and other Historians, in their 2. to their 13 *Centuries*, chap. 14, and 15. in *Baronius* his Annals, and *Heylins* Microcosm, p. 568, 569, 570. where all may peruse them, that I shall not spend time to recite them, but wholly confine my self to a *Brief Relation of their first admission into, their ill deportment, misdemeanors, sufferings, popular insurrections against them in, and their final banishment by Judgement and Edict of* Parliament *out of* England, *never to return again*, collected out of the best Historians: to which I shall subjoyn, *a taste only of such Laws, Scriptures, and Reasons, as seem strongly to plead against their readmission into our Island, especially at this season.*

When the *Jews* came first into *England*, appears not certainly by any Historians, there being no mention of their being here in any of our *British* or *Saxon* Kings reigns, to my remembrance. *Antoninus* in his *Chronicles*, Tit. 16. c. 5. records, *That* William the Conqueror *King of* England, *transluted the Jews from* Rhoan *to* London; and the *Magdeburg Centuries* out of him, Cent. 11. cap. 14. col. 686. adde thereto, *that it was* OB NUMERATUM PRECIUM, *for a sum of money given to him by them*, (which I find not in *Antoninus*.) Both these Authors intimate, That this was their first arival in *England*, yet in what year of this King, they are silent. With them concurs *Raphael Holinshed*, Vol. 3. p. 15. where thus he writes, *Among other grievances, which the* English *sustained by the hard dealings of the* Conqueror, *this is to be remembred, That he brought* Jews *into the Land from* Rouen, *& appointed them a place to inhabit and occupy*: (reputing their very first introduction a *Grievance to the* English, *and hard dealing*.) Which *John Stow* in his *Annals of England*, p. 103. and *Survey of London*, printed 1633. p. 288. thus seconds, *King* William *FIRST brought the Jews from* Rhoan *here to inhabit in* England; and Sir *Richard Baker* in his Chronicle of the Kings of *England, London*, 1653. p. 39. *This King was the FIRST that brought the Jews to inhabit here in* England. But this Law concern-

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ing the Jews inserted amongst the Laws in the *Confessors* time, seems to prove their arival and settlement in *England*, to be before this *Normans* reign; unless mis-placed in point of time amongst his Laws by *Hoveden*: being rather in my opinion, a Declaration of the Jews servile condition under King *William*, and *Richard* the first, when *Hoveden* writ, then any Law in King *Edwards* reign, or before, (amongst whose Laws or the Conquerors it is not to be found in *Abbot Ingulphus* his Original copy, published by Mr. *Selden* in his *Notæ & Specilegium ad Eadmerum*, p. 172, &c.) as the words themselves import.

(e) *De* Judæis *in Regno constitutis.*

(e) Rog. Hove. Annal. pars posterior p. 604. Spelmanici concil. 623. Lombard. Archaori.

Sciendum est quoq;, quod omnes Judæi, *ubicunq; in Regno sunt, sub tutela & defensione Domini Regis sunt; nec quilibet eorum alicui deviti se potest subdere, sine Regis licentia.* Judæi, *& omnia sua Regis sunt. Quod si quispiam detinuerit eis pecuniam suam, perquirat Rex tanquam suum proprium:* (or *detinuerit eos, vel pecuniam eorum perquirat Rex, si vult, tanquam suum proprium*, as Sir *Henry Spelman* renders it.)

This Law or Declaration (being the first record making mention of their being, and condition in *England*:) proves, That as all the Jews when they came first into *England*, were under the Kings protection and patronage where ever they resided: so that they were under him only as his *meer Vassals*, their persons and goods being his alone; and that they could dispose of neither of them without his license: Into which slavish condition they doubtless then put themselves, (being banished out of other Nations for their villanies) only to avoid the fury of the common people, to whom they were most detestable, who else would have quickly murdered, or ston'd them to death, and stript them of all their wealth, as the sequel will declare.

The next Passage in Historians concerning the Jews being and condition in *England*, is that of (f) *William of Malmsbury* in *William Rufus* his reign. *The* Jews (writes he) *in his time have a testimony of their insolency: Once at* Rhoan, *endeavouring by gifts to perswade and revoke certain*

(f) *De Gestis Regum, l. 4. p. 122.*

men to Judaism, who had deserted their error: Another time at London, being animated to enter into a combate (or dispute) against our Bishops, because the King (in merriment, as I believe) had said, That if they should overcome the Christians, and confute them by open arguments, he would then revolt to them, and become one of their Sect; Whereupon it was managed with great fear of the Bishops and Clergy, and with pious solicitude of such who were afraid of the Christian Faiths miscarriage. And from this combate the Jews only brought away nothing besides confusion; although they would many times boast, that they were overcome not by argument or reason, but by a faction. (g) Antoninus relating the story in the same words, addes onely this, That the Jews comming to this King on a certain Solemnity, and offering him gifts; (after their removal from Rhoan to London) he thereupon animated them to a conflict against the Christians, swearing by St. Lukes face, that if they overcame them, he would revolt to their Sect: (as if he spake it in good earnest) with whom the (h) Magdeburg Centuries, John Stow in his Survey of London, p. 288. and Sir Richard Baker in his Chronicle, p. 51. accord.

(g) Chronica pars 2. Tit. 16. c. 5. f. 167.

(h) Centur. xi. c. 13. col. 667.

By which we may observe, That the Jews were no sooner transported and setled in *Rhoan* and *London*, but they presently began to grow very insolent against the Christians, 1. Endeavouring to pervert some of them by monies to Judaism. 2ly, Attempting to corrupt the King himself, by gifts, to side with them against the Bishops and Clergy, and to become one of their Sect. 3ly, By entring into open Disputations with the Bishops and Clergy against the Christian Faith, to the great fear of the Professors, and hazard of the Christian Religion. 4ly, By boasting frequently when they were overcome, That it was only by power and faction, not truth or disputation. And will not this be their very practise now, if re-admitted, to the hazard of our Christian Religion, and seduction of many simple, unstable souls, in this unsetled, apostatizing age? when not only the ignorant people, but many great Professors, turn Atheists, Hereticks, Seekers, Apostates, Blasphe-

phemers, Ranters, Quakers, Antiscripturists, and what not, but real, upright, just, and mortified self-denying Christians?

This History of *William Rufus*, causing a disputation between the Christians and the Jews, is related by *Raphael Holinshed* in his Chronicle; Vol. 3. p. 27. who likewise records of him * *That he being at* Rhoan *on a time, there came to him divers Jews, who inhabited that City, complaining to him*, that divers of that Nation had renounced their Jewish Religion, and were become Christians; *wherefore they besought him*, that for a certain summe of money which they offered to give, it might please him to constrain them to abjure Christianity, and turn to the Jewish Law again. *He was content to satisfie their desires*, and so *receiving the money, called them before him; and what with threats, and putting them otherwise in fear, he compelled divers of them to forsake Christ, and to turn to their old errors.* Hereupon, the Father of one *Stephen* a Jew, converted to the Christian Faith, being sore troubled for that his Son was turned a Christian, and hearing what the King had done in such like matters, presented to him 60 Marks of Silver, conditionally, That he should enforce his Son to return to his Jewish Religion; whereupon the young man was brought before the King, unto whom he said: *Sirra, thy Father here complaineth, that without his license thou art become a Christian: If this be true, I command thee to return again to the Religion of thy Nation, without any more adoe.* To whom the Young man answered, *Your Grace (as I guesse) doth but jest.* Wherewith the King being moved, said, *What? thou dunghill knave, should I jest with thee; Get thee hence quickly, and fulfill my commandement, or by St. Lukes face, I shall cause thine eyes to be plucked out of thine head.* The young man, nothing abashed thereat, with a constant voice answered *Truly I will not doe it; but know for certain, that if you were a good Christian, you would never have uttered any such words; for it is the part of a Christian, to reduce them again to Christ, which are departed from him, and not to separate them from him,*

* *See Eadmeri Hist. Novorum l. 2. p. 46, 47. where this History is first recorded upon the reports of thers and Sir Richard Baker his Chronicle p. 51.*

him, which are joyned to him by Faith. The King herewith confounded, commanded the Jew to avant and get him out of his sight; But his Father perceiving that the King could not perswade his Son to forsake the Christian Faith, required to have his money again, To whom the King said, he had done so much as he promised to doe; that was, to perswade him so far as he might. At length, when he would have had the King to have dealt further in the matter; the King (to stop his mouth) tendred back to him the one half of his money, and reteined the other to himself. *All which encreased the suspition men had of his infidelity.*

By this History we may perceive what a prevailing Engine the Jews money is, both to serue them into Christian Kingdoms, though the most bitter, inveterate, professed Enemies of Christ himself, Christians, and Christianity, and how their money can induce even Christian Princes to perpetrate most unchristian, and antichristian actions; and enforce by threats and violence, even converted Christian Jews to renounce their Christianity, and apostatise to their former Jewish Errors which they had quite renounced. And do not they still work even by the self-same Money Engine? preferred by too many Christians, even before Christ himself & Christianity.

In the year of our Lord, 1145. during the reign of King *Stephen*, the Jews grew so presumptuous in *England*, that they *crucified a child*, called *William*, in the city of *Norwich*, in derision of *Christian Religion*, as *Mathew Westminster*, *Flores Historiarum*, Ann. 1145. p. 36.* and others oyntly attest. Not long after this, Anno, 1160. (the 6 year of *Henry* the II.) *they crucified another child at* Glouceſter, (in contempt of Christ and his Passion) as *John Bromtons Chronicon col.* 1050. and * others record. And in the same Kings reign, *Anno* 1181. upon the same account, *the Iews on the Feast of* Easter *martyred and crucified another child at St.* Edmonds-bury, *called* Robert; *who was honourable interred soon after in the Church of St.* Edmunds, *and grew famous by miracles there wrought*; as *Gervasius*

* *Chronicon Johannis Bromton. Col.* 1048. *Hygden in his Polychronicon*; *Antoninus*: *Centuriæ Magdeburgenses*: *Centuriæ* 12. *c.* 14. *Mr. John Fox in his Acts and Monuments*, 1640. *Vol.* 1. *p.* 302. *Richard Grafton in his Chronicle, p.* 46. *Raphael Holinshed in his Chronicle, Vol.* 3. *p.* 56.

* *Henry de Knyghton de Event. Angl. l.* 2. *col.* 2394. *Polychronicon*: *Fox Acts and Monuments, Vol.* 1. *p.* 302. *Grafton in his Chronicle, p.* 46.

vasius Dorobernensis, in his *Chronica*, col. 1458. relates.

What punishments were then inflicted on them for these Murders and Insolencies, I find not recorded; perchance they purchased their peace with monies: Yet I (*i*) read, *That in the year* 1168. *King* Henry *the* 2. wanting monies, *banished the wealthiest of the Jews out of England, and fined the rest of them in* 5000 *Marks*; most likely for these their Misdemeanors. *John Stow* in his Survey of *London*, p. 228. writes *That* King Henry *the* 2. *grievously punished the Jews for corrupting his coin*; which no other Historian mentions.

(*i*) *Gervasius Dorobern. Chro. col.* 1403.

The (*k*) Jews, though there were a great multitude of them in *England*, in every quarter of the Realm, had only one Church-yard alotted them, and that at *London*, (near *Red-cross-street*) in which they were enforced to bury all their dead corps, wheresoever they died; which being a great trouble and annoyance to them: thereupon in the year 1178. they petitioned King *Henry* the 2. (being at *Stanstede*) for a License to have church-yards without the Cities wherin they inhabited, in convenient places where they could purchase them, wherein to bury their dead; which he then granted to them.

(*k*) *Chronicon Johann. Bromton, col.* 1129. *Polydor Virgil, l.* 13. *Holinsheds Chronicle Vol.* 3. *p.* 101. *Graftons Chro. p.* 79. *Cent. Magdeburg.* 12 *c.* 15. *col.* 1759. *John Stow his Survey of London, p.* 318. *Sir Richard Bakers Chronicle, p.* 81.

It seems the Jews were then so odious to the whole Nation, that they would not permit them to bury their very dead corps in any *English* soyl, for fear of polluting it, nor near any Christians bodies, without the Kings special License. Neither did they desire to be interred near, or amongst any Christians corps, out of detestation to them, as if one earth, could no more contain them, than one Heaven, which the Jews would engross to themselves alone.

(*l*) King *Richard the first* being to be crowned King at *London*, in the year of our Lord, 1189. the chiefest of the Jews flocked together from all parts to his Coronation;

(*l*) *Guliel. Nubrigens. Hist. l.* 4. *c.* 1. 7, 8. *&c. Matthew west. Mat. Paris, Rog. Hoveden, Hygden, Fabian, Holinshed, Grafton, Stow, Speed, Fox, Daniel*, in the life of Rich. 1. *Chronicon Johannis Bromton, col.* 1152. 1160. 1171. *Radulphus de Diceto Ymagines historiarum, col.* 647. 651. *Henricus de Knyghton, de Eventibus Angliæ, l.* 2. *c.* 13. *col.* 2401. *John Stow* his Survey of London, *p.* 282. *Sir Richard Bakers Chronicle, p.* 89, 94, 95.

re-

resolving to purchase the favour of the New King with most ample gifts, and to get their former priviledges confirmed, which they feared they should lose. But they being suspected of Sorcery and Magick, the King by a publick Proclamation prohibited all Jews from entring the Church whiles he was crowning, or his Palace whiles he was therein feasting. Notwithstanding some of the principal Iews secretly got into the Church and Palace; who being discovered one after another, were well beaten, and thrust out of the Church and Court by the Kings Officers and Christians. Upon which the common people then flocking in great multitudes to the Kings coronation, fell upon the Jews standing in great multitudes at the Palace gate, first beating them with their fists, and then taking up clubs and stones slew some of them, and left the others half dead: whereupon one of them called *Benedict of York*, being so beaten and wounded, that he despaired of life, and extraordinarily terrified with the fear of death, received Baptism from *William*, *Prior* of St. *Maries of Yorke*, and thereby escaped the peril of death, and hands of the persecutors. In the mean while there was a great rumor spred throughout the city of *London* upon this occasion, *That the King desired, and had commanded, that all the Iews should be banished and destroyed*; Whereupon an infinite number of people, as well out of the City as most counties of *England* then coming to the coronation, inflamed with the desire of booty, betaking themselves to their arms, fell pell-mell upon the Jews, and slew and pillaged them both in the streets, and in their houses; and those who defended themselves for a time in such strong houses which they could not enter, were there soon after burnt and consumed, together with their houses by the furious multitude, who put fire to their houses, and burnt down most of them, *Synagogæ datæ dedecori*, and likewise defaced their Synagogues, as *Radulphus de Diceto* records. The King being informed hereof whiles he was feasting with his Nobles, thereupon sent *Ranulphus de Glanvil*, then chief Justice of the Realm, a potent and prudent man, together

gether with other great Noblemen to perswade and restrain these bold people. But all in vain, for in so great a multitude, none would hear their voices, nor reverence their persons; but rather murmuring against them, exhorted them speedily to return: whereupon they advisedly declining their unbridled rage, the fury of these plunderers ceased not til the next day. *Ac licet immensitas tantæ rabiei si dissimulata & multa transiret, primordia regiæ majestatis denigraret plurimum, propter reorum tamen infinitam multitudinem dissimulari oportuit quod vindicari non potuit*; writes *Henry de Knyghton*. Yet the very next day the King sending his Officers throughout the City, commanded some of the said malefactors to be apprehended, and brought before him, of which three were hanged by the judgement of his Court: one, because he had stollen the goods of a certain Christian, and two because they had made a fire in the City, whereby the houses of Christians were burned. After which the King sent for the man, who of a Jew was made a Christian, and demanded of him, in the prelence of those who had seen him baptized, *Whether he were made a Christian?* Who answered, *That he was not; but that he permited the Christians to do to him what they would, that he might escape death.* Then the King demanded of the Archbishop of *Canterbury*, in the presence of many Archbishops and Bishops, *What was to be done concerning him?* who answering very indiscreetly, said: *If he will not be a man* (or servant) *of God, let him be a man*, (or servant) *of the Devil*; And so he returned to the Judaical Law and *pravity, like a dog to his vomit* * and *soon after died at* Northampton, *and was deprived of the common burial of the Jews, because he had been made a Christian in this manner, and likewise of common burial with the Christians, because he apostatized to the Iewish wickednesse*, for which some would have had him proceeded against as an *Apostate*. In the mean time the King sent his Writs throughout all the Counties of *England*, prohibiting, *That none should doe any harm to the Iews, but that they should enjoy his peace.* But before that Edict was published, the

* *Roger de Hoveden, pars posteri.* 657.

Jews which were in the Town of *Dunstaple* (to preserve their lives from the peoples fury) being converted to the Christian Faith, were baptized, betroathing their wives after the manner of Christians; which was likewise done through many Cities of *England*. And although the King by his Proclamation, had decreed peace to the Jews, yet notwithstanding the fury against the Jews kindled at *London*, *not verily out of a zeal of Faith, but of Gain*, vehemently raged in other places of the Land. For a certain Jew at *Lynne* happening to be made a Christian; thereupon the Jews persecuting him, as a prevaricator of their Law, taking an opportunity, assaulted him with arms as he passed throgh the city, whereupon he took sanctuary in the Church; yet notwithstanding the raging Jews would not rest quiet for this, but with a continued fury presently began to assault the Church with great violence: presently hereupon there arose a great clamor, and the Christians assistance was desired with loud out-cries. This clamor and fame incensed the Christian people, and young men which were strangers, of which a great number at that time resorted thither, by reason of traffick; who running to the Church armed, valiantly assaulted the proud Jews, who being unable to resist the assault of the Christians, presently betook themselves to flight. After which, the Christians assaulting and taking their houses, spoyled and then burnt them with fire. Hereupon the young men who were strangers, laden with prey, departed with it speedily to their ships, & sailed thence, lest they should be questioned, & perchance inforced to restore their booty by the Kings officers. But the Inhabitants of the place, when they were questioned for this by the Kings Officers, translated this fact to the strangers, who were then departed from thence; although themselves were not altogether innocent, taking up arms against the Jews upon the out-cry; but yet doing nothing against the Jews for fear of the Kings displeasure.

Not long after, in *Lent* there arose a new storm against the Jews at *Stanford*; for there being solemn Fairs there held

held in *Lent*, the young men and Souldiers who had taken upon them the sign of the Crosse, and were then ready to go to *Ierusalem* with the King, assembling together there out of divers counties, disdaining that the Jews, being the enemies of the crosse of Christ, possessed such great store of goods and wealth, when as they had not sufficient to defray the necessary expences of so great a journey; and imagining that they should do God good service, if they assaulted these his enemies; boldly rushed upon them, no man opposing himself against so great attempts: whereupon divers of the Jews were slain, and the rest being received into the castle, hardly escaped with their lives, their goods being all plundered, and the plunderers departing freely away with their booty, none of them being so much as questioned, or punished by the Kings discipline. The citizens of *Lincoln* hearing what was done to the Jews of *Stanford*, taking occasion, and being animated by the examples of others, were willing to do something against them: and being assembled together against the Jews inhabiting together with them, became inraged against them. But these Jews being made more wary by the slaughters and damages of others, some few of them suffering harm and damages, the rest fled timely with their monies into the Royal Fort, and there secured themselves. In all other places whersoever the Jews were found, they were pillaged and slain by the hands of the Pilgrims, who hastning through *England* towards *Ierusalem*, decreed to rise up first against the Jews; before they invaded the *Saracens*. Hereupon all the Jews who were found in their own houses at *Norwich* were slain on the 8 of *February*, some few of them only escaping to the Castle. At the same time, the Nobles and Gentry of *Yorkeshire*, nothing fearing the Kings Proclamation, the wicked Jews having by Usury reduced them to extreme poverty, joyning with them some holy soldiers,, brake up the Houses of the chief Jews, equal to the Kings Palace, slew their families, spoild their Goods, & burnt their houses in the night, & then retired themselves

to their homes in the dark. After which, the promiscuous multitude making an assault upon the Jews, slew them without distinction of sex or age, except some few who would give up their names to Christ in baptism to save their lives. On the 18 day of *April*, being *Palm*-Sunday, the rest of the Jews in the City of *Yorke*, (being 500 men and women, besides their children) fearing the violence of the Christians, shut up themselves within the castle of *Yorke* by the will and consent of the Guardian thereof, and of the Sheriff; who being thus received into the castle for their defence by the Guardian and Sheriff, would not afterwards deliver it up unto them again. Whereupon the Sheriff and keeper of the castle being much offended with them, assembled the souldiers of the county, and men of the city, that they might free the castle from those Jews, exhorting them to do their utmost endeavors to effect it: who when they had assaulted the castle day and night, the Jews offered a great summ of money to save their lives; but all in vain, the people being so incensed against them that they would not accept it: whereupon a certain Iew skillfull in their Law, stood up, and said. *Men of* Israel *hearken to my counsel; It is better for us to die for our Law, then to fall into the hands of the enemies of our Law; and our very Law commands the same thing.* Upon which all the Jews, as well women as men, consented to his counsel, and every Father of a family going with a sharp razor, first of all cut the throats of his own wife and children, and then of his family, casting the dead corps of those whom they had thus sacrificed to Devils, over the castle walls, upon the Christian people. After which, burning their rich cloathes, and casting their golden Vessels and Jewels into Privies, that the Christians might not be inriched by them, these murderers shutting up themselves and the rest they had killed in the Kings house, set it on fire, and so burnt both themselves and it. After which the Citizens of *Yorke* and the souldiers of the county burning all the Jews houses together, spoiled their goods, seized their possessions to themselves, and burn'd all the charters of their debts.

The

The King being informed hereof, and much incensed, both for the contempt of his Royal proclamation and Authority, and dammage to his Exchequer, to which all the Goods and Debts of the Iews, being Usurers belonged, commanded his Chancellor to inflict due punishment upon the authors of this Sedition. Whereupon, after *Easter*, the *Bishop of Ely* the Kings Chancellor gathering a great Army together, came to *Yorke*, to apprehend those as malefactors who had destroyed the Jews of the city: And understanding that this was done by the command of the Sheriff and Governour of the castle, he put them both from their Offices, and took sureties from the Citizens of the City, for to keep the Peace of the King and kingdom, and to stand to the Law in the Kings court concerning the death of the Jews: and commanded the Souldiers of the County who were at the destruction of the Jews, to be apprehended; but the chief of them flying into *Scotland*, escaped, not one of them all being put to death for this great Massacre and Riot.

Henry de Knyghton, De Eventibus Angliæ, l. 2. c. 13. gives this censure of these slaughters & popular tumults against the Jews. *The Zeal of the Christians conspired against the Jews in* England, *but in truth not sincerely, that is, for the cause of faith; but either out of emulation and envy, because of their felicity, or out of gaping after their goods: The Justice truly of God not at all approving such things, but decently ordering them, that by this means he might punish the insolency of a perfidious Nation.* He likewise addes; that one *John*, a most bold Christian, flying from *Stanford* with many spoyls of the Jews to *Northampton*, was there secretly slain by his Host, to get his money, and thrown without the city in the night, the murderer flying thereupon. After which, through the dreams of old women, and fallacious signs, the simple people attributing to him the merits of a martyr, honoured his Sepulchre with solemn vigils, and gifts. This was derided by wise men, yet it was acceptable to the Clerks there living, by reason of the gains. Which the Bishop hearing of, presently unsainted him, and prophaned

ned the Monuments of this false martyr, continued by the study of simple and covetous persons. I wish no such plunderers as this, might be sainted and adored in our age, as too many of them are, even before their deaths, who will be un-sainted after them, as well as this bold plunderer of the Jews.

Mr. *Fox* in his Acts and Monuments, Vol. 1. p. 305. relating the story of the massacres of the Jews this year out of the *Chronicle of Westminster*, saith: *That there were no less than a thousand five hundred of the Iews destroyed at that time in* York *alone*, (beside those slaughtered in other places) *so that this year, which the Iews took to be their Iubile, was to them a year of confusion. Neither was this plague of theirs undeserved, for every year commonly their custom was, to get some Christian mans child from the Parents, and on Good-Friday to crucifie him, in despite of our Religion.*

Nota.

King *Richard* the first, after his return out of the Holy Land in the year 1194.* *appointed Iustices Itinerant through all the Counties of* England, who amongst other Articles, were to enquire; *Concerning the slayers of the Iews: who they were that slew them? and concerning the pawns and chattels, and lands and debts, and charters of the Iews that were slain? and who had them? and how much any one owed to them? and what morgages they had, and who held them? and how much they were worth? and who took the issues of them? and what they were? and that all the Morgages and Debts of the Iews who were slain should be taken into the Kings hands, and that those who were present at the slaying of the Iews, and had not made a fine* (or end) *with our Lord the King or his Iustices, should be apprehended, and not delivered, unless it were by the King our Lord or his Iustices.* The self-same year *King Richard* appointed Justices, Laws, and Orders, for preventing the frauds, and regulating the contracts of the Jews, both between themselves, and between Christians and them, thus recorded at large by [m] *Roger de Hoveden*, and briefly touched only by some others.

*Rog. de Hoveden Annal. pars posterior, p. 743 744.

(m) *Annalium pars posterior, p. 745. Chron. Johan. Bromton, col. 1258. Holinshed, Vol. 3. p. 155.*

All the Debts, Pawns, Morgages, Lands, Houses, Rents, and Possessi-

Possessions of the Iews shall be registred. The Jew who shall conceal any of these, shall forfeit to the King his body, and the concealment, and likewise all his possessions and chattels; neither shall it be lawfull to the Iew ever to recover the concealment. Likewise 6 or 7 places shall be provided, in which they shal make all their contracts; and there shall be appointed two Lawyers that are Christians, and two Lawyers who are Iews, and two Legal Registers; and before them, and the Clerks of William of the Church of St. Maries, and William of Chimilli, shall their contracts be made: & Charters shall be made of their contracts by way of Indenture. And one part of the Indenture shall remain with the Iew, sealed with his seal to whom the money is lent; and the other part shall remain in the common chest; wherein there shall be 3 locks and keys, whereof the 2 Christians shall keep one key, and the 2 Iews another, and the Clerks of William of St. Maries Church, and William of Chimilli, shall keep the third. And moreover, there shall be three seals to it; and those who keep the seals, shall put the seals thereto. Moreover, the Clerks of the said William and William shall keep a roll of the transcripts of all the Charters; and as the Charters shall be altered, so let the roll be likewise: For every Charter there shall be 3 pence paid, one moity thereof by the Iew, and the other moity by him to whom the money is lent; whereof the 2 writers shall have 2 pence, and the keeper of the roll the third. And from henceforth, no contract shall be made with, nor payment made to the Iews, nor any alteration made of the Charters, but before the said persons, or the greater part of them, if all of them cannot be present. And the aforesaid 2 Christians shall have one roll of the Debts or receits of the payments which from henceforth are to be made to the Jews, and the 2 Jews one, and the keeper of the roll one. Moreover, every Iew shall swear upon his Roll that all his debts and pawns, and rents, and all his goods and possessions he shall cause to be enrolled, and that he shall conceal nothing, as is aforesaid: And if he shall know that any one shall conceal any thing, he shall secretly reveal it to the Justices sent unto them; and that they shall detect and shew unto them, all falsifiers or forgers of Charters, and clippers of moneys, where or when they shall know them, and likewise all false charters,

By

By these strict politick Laws, the King and his Officers knew the particular wealth, monies, goods, debts, and real and personal estates of every Jew, and in whose hands they were, and so could seize and command them at their pleasure, upon any real or pretended misdemeanors, or complaints against them.

King *John*, (who in the * 1 and 2 years of his reign, granted them large liberties, and an high Priest for moneys) in the year of our Lord [n] 1210. commanded all the Jews of both sexes throughout *England* to be apprehended and imprisoned, and to be afflicted with most grievous torments, that so they might satisfie the Kings pleasure with their money. Some of them being grievously tortured, gave all things which they had, and promised more, that they might by this means escape so many kinds of torments. Amongst whom one Jew at *Bristol*, punished with various torments, when as he would neither redeem himself, nor submit to any fine: the King commanded his tormentors, that they should every day pull out one of his grinding teeth, until he should pay to the King ten thousand marks of silver. And when at last for 7 days space they had pulled out 7 of his teeth, with intollerable torment, and now on the 8 day the tormentors had begun the like work again; this Jew, an over-slow provider for his profit, gave him the aforesaid money, that he might save the 8 tooth to himself, the other 7 being pulled out: who with much more wisdom, and lesse pain, might have done so before, and have saved his 7 teeth, having but 8 in all.

In the 17 year † of King *John*, the 17 day of *May*, the *Barons* coming to *London*, brake into the houses of the Jews, *and searched their Coffers to stuff their own purses, that had been long empty: After which they applyed all diligence to repair the Gates and Walls of the City with the stones of the Jews broken houses.*

(o) In the year 1222. 7 H. 3. in a *Council* at *Canterbury* under Archbishop *Stephen*, a certain Apostate Jew, made of a Christian a Deacon, and afterwards apostatizing, was

* *Cooks 2 Institut. p. 507, 508.*

[n] *Mat. West. An. 1210. Mat. Paris, Hist. Angliæ. Londini 1640. p. 229. Holinshed Vol. 3. p. 174. John Stow, p. 168. & his Survey of London, p. 288. Daniel p. 115. Polyd. Virgil Hist. Angl. l. 15. Cent. Magd. 13. c. 15.*

† *John Stowes Chron. p. 172. Survey of London. p. 288.*

[o] *Mat. Paris Hist. Ang. p. 314. 315. Antiq. Eccles. Brit. p. 151. Bracton, l. 3. c. 9.*

was there judicially punisht, whom *Falco* presently apprehending, caused to be hanged, as *Matthew Paris* writes; but *Bracton* and others record, that he was *burned to ashes.*

* King *Henry* the 3. in the 11 year of his reign, *Anno Dom.* 1226. granted the lands and houses of *Benomye Matton*, a Jew in *London*, escheated to him by a murder committed by this Jew, to *Semain* and others, as appears by his Charter of that year. *John Stow his Survey of London p.288.289.*

[*p*] King *Henry* the 3. *Anno.* 1230. wanting moneys, constrained the Jews whether they would or would not, to give him the third part of all their moveable goods, and that with all expedition. [*p*] *Mat. Paris hist. Ang. p. 365. Mat. west. p. 128. Holinshed. p. 221.*

[*q*] The Jews in the year of our Lord 1231. builded a Synagogue very curiously, but the Christians obtained of the King, that it should be dedicated to our *blessed Lady*, and was since by the same King *Henry* granted to the Brethren of *St. Anthony of Vienna*, and called *St. Anthonies Hospital.* [*q*] *Jo. Stows Chronicle. p. 121.*

[*r*] In the year of our Lord 1233. King *Henry* the 3. at his proper costs built in *London*, not far from the old Temple, a decent house & Church, sufficient for a Covent, with other convenient edifices thereto belonging, called *The house of the Converts.* (now the Rolls) To which house the converted Jews flying, leaving the blindnesse of *Iudaism*, under a certain honest rule of living, might have a certain habitation, a safe refuge, and a sufficient livelihood during their whole lives, without servile labour, and the gain of Usury. Whereupon it came to passe, that in a short time there was gathered together in that place, a great number of Converts, who were there baptized and instructed in the Christian Faith, and lived laudably, being governed by a skilfull Rector, specially appointed for that purpose. [r] *Mat. Paris Hist. Angl. p. 393. Stow. p. 183. Speed. p. 516. See John Stow his Survey of London, p. 289. 455.*

* This House of the converted Jews was founded by King *Henry* the 3. in the place of a Jews house to him forfeited in the year 1233. and the 17 of his reign, who builded there for them a fair Chutch, now used and called * *John Stowes Surveyof London. 1633. p. 435.*

led the Chapel for the custody of Rolls and Records of *Chancery*; It standeth not far from the old Temple and the new, in the which house all such Jews and Infidels as were converted to the Christian Faith, were ordained and appointed, under an honest rule of life, sufficient maintenance: Whereby it came to passe, that in short time there were gathered a great number of converts, who were baptized, instructed in the Doctrine of Christ, and there lived under a learned Christian, appointed to govern them. Since the which time, to wit, in the year 1290. *All the Jews in England were banished out of the Realm*, whereby the number of converts in this place was decayed, and thereforein the year 1377. this House was annexed by Patent to *William Berestal* Clerk, *Custos Rotulorum*, or Keeper of the Rolls of the Chancery, by *Edward* the 3. in the 51 year of his reign, and the first Master of the Rolls, who was sworn in *Westminst. Hall*, at the Table of Marble: since which time that house hath been commonly called, the Rolls in *Chancery lane*. Notwithstanding such of the Jews or other Infidels as have in the Realm been converted to Christianity and baptized, have been received there; for I find in record, that one *William Peirs* a Jew that became a Christian, was baptized in the 5 of *Richard* the 2. and had 2 *d.* the day allowed him, during his life, by the said King (out of the Rolls.)

[s] *Mat. Paris, Hist. Angl. 409. Mat. westm. p. 136. Holinshed Vol. 3. p. 2. 19. Stow p. 183. Fox Acts & Mon. Vol. 1. p. 423. Speed p. 521. Polychronicon, l. 7. c. 35. Fabian part 7. p. 46. Grafton p. 122. Mat. Park. Antiq. Eccl. Brit. p. 178. Rot Clauf 18 H. 3. m. 2. 3.*

[s] King *Henry* in the year 1235. keeping his Court and the Nativity at *Westminster*, with many of his Bishops and Nobles, there were brought before him; upon the complaint of *John Toly*, 7 Jews, who had circumcised a certain child in *Norwich*, whom they had stollen away from his Parents, and kept for a years space from the sight of Christians; intending to crucifie him on the Feast of *Easter*. But being convicted for this fact, they confessed the truth of the thing in the Kings presence: and so being at the Kings pleasure, both for their life and members, were deteined in prison for this fact, and some of them drawn and hanged.

[t] In

[t] In the year of our Lord 1240. the Jews circumcised a Christian child at *Norwich*, and being circumcised, they called him *Jurninus*, but reserved him to be crucified in contumely of Jesus Christ crucified. But the Father of the child, from whom the Jews had stollen him, diligently seeking after his Son, at the last found him shut up in the custody of the Jews; and with loud clamours declared, that his Son, whom he thought to have been lost, was wickedly kept up in the Chamber of a certain Jew. Which great premeditated wickednesse coming to the knowledge of the Bishop *William Rele*, a prudent and circumspect man, and of other great men, lest through the slothfulnesse of the Christians so great an injury of Christ should be passed by unpunished, all the Jews of the City were apprehended, and when as they would have defended themselves by Regal authority; the Bishop said, These things belong to the Church, and are not to be determined in the Kings Court, seeing the Question to be discussed is concerning circumcision, and the breach of faith. Whereupon 4 of the Jews being convicted of the aforesaid wickednesse, were first dragged at the tails of Horses, and at last hanged on the Gallows, lamentably breathing forth the reliques of life.

[t] *Mat. Paris p. 532. John Stow his Survey of London, p. 289.*

The Proceedings in this New case I find thus recorded in the *Placita* of 18 H. 3. rot. 21. thus endorsed, *Placitum loquelæ de Judæis Norwich, qui sunt in Prisona apud London.* Benedictus *physicus appellat* Jacobum *de* Norwich Judæum, *quod cum* Odardus, *filius suus puer ætatis 5 annorum ivit ludendo in via Villæ* Norwich *vigilia Sancti* Egidii 4 *annis elapsis, venit idem* Jacobus Judæus *& cœpit eundem* Odardum *& eum portavit usq; ad domum suam & circumcidit eum in membro suo, & voluit ipsum facere* Judæum, *& eum retinuit per unam diem & unam noctem in domo sua, quousq; per clamorem vicinorum venit ad quandam domum; & illum invenit in manibus ipsius* Jacobi, *& sic ipsum puerum circumcisum monstravit Officiali* Archidiacono *&* Coronatoribus *ipso die, qui præsentes simul & hoc idem testantur; Qui dicunt, quod viderunt prædictum puerum circumcisum,*

sum, & qui habuit membrum suum grossum & valdè inflatum, & ita aturnatum sicut prædictum est. Et quod hoc nequiter fecit & in felonia, & in dispectu Crucifixi & Christianitatis, & in pace Domini Regis, et quod ipse non potuit habere in perfortiam Christianorum, offert disrationare eum sicut Curia considerabit. Et postquam circumciderat eum vocavit eum Jurnipin, *& puer visus coram Justiciariis, & liquidum est quod circumcisus erat.*

Idem appellat de forcia & consilio Leonem *filium* Margerie *senior*, & *filium* Josce Bodon. *& plures alios Judæos, qui omnes venerunt præter* Dedone Joppe, Benedictum Moses *&* Isaac, & hi totum defendunt *sicut* Judæi *versus Christianum.*

Postea prædictus puer, qui tunc fuit ætatis 5 annorum, & nunc est ætatis 9 annorum, requisitus quomodo circumsciderunt eum? dicit, quod ceperunt eum, et adduxerunt eum usque ad domum ipsius Jacobi; *& unus illorum tenuit eum & cooperuit oculos suos, & quidam alius circumcidit eum quodam cultello, & postea capiunt peciam illam quam scinderant de membro suo, & posuerunt in quodam vacyno cum sabelons, & que fuerint peciam illam cum parvis lufflatis quousque quidam* Judæus *qui vocabatur* Jurnepin *invenit eum primo, (tunc) vocaverunt eum* Jurnepin.

Et Officialis Archidiaconi venit coram Justiciariis cum magna secta Sacerdotum, qui omnes dixerunt in verbo Dei, quod prædictus puer ita circumcisus fuit sicut prædictum est, et per prædictos Judæos, & quod viderunt prædictum puerum recenter circumcisum, habentem membrum suum grossum & valdè inflatum et sanguinolentum.

Et Coronatores de Comitatu, et Coronatores de Civitate Norwici, *& 36 homines de villata de* Norwic. *Jurati venerunt, & troue (inveniunt) ut fuit circumcisus, &c. Et quod juxta ripam* Norwic. *il fuit troue (* fuit inventus *) ululans & plorans per unum* Maude *de* Berneham, *& sa file, & que i luy amesiont a lovr meason; ton esteant les Iewes veigne & dioit, que il fuit Judæum suum; & vocaverunt eum* Jurnepin, *&c. Et quando* Judæi *non potuerunt eum habere propter Christianos,*

pro-

prohibuerunt eidem Matildæ, *Ne daret ei carnem porcinam ad manducandum: quia dixerunt, ipsum esse Judæum. Ita quod per vim venerunt Christiani & abstulerunt puerum prædictum à manibus Judæorum.*

Et Maude *examyne confesse ceo tout, &c. Et omnes Judæi sunt in prisona apud* Norwich, *præter illos qui fuerunt apud* London, *quando hæc Inquisitio facta fuit. Et omnes Iuratores requisiti, Qui interfuerunt ad Circumcisionem illam? dicunt. Quod omnes prædicti Judæi fuerunt consentientes facto illo, præter* Massi *filius* Saloni. *Hæc autem omnia facta fuerunt in Curia Domini Regis apud* Norwic, *& Fratribus Prædicatoribus, & Fratribus Minoribus, & pluribus aliis tam Clericis, quam Laicis præsentibus. Et tout ceo fuit testify, per* Ric, de Tresingfield *Constable de* Norwich, *& auters.*

*Postea coram** Domino Rege, & Domino Cantuar. & Majori parte Episcoporum & Baronium Angliæ, *quia casus iste nunquam prius accidit in Curia Domini Regis*, & *præterea quia factum illud primò tangit Deum, & sanctam Ecclesiam, eo quod Circumcisio & Baptismus sunt pertinentia ad fidem; et præterea non est ibi talis felonia, nec amissio membri, nec Mahemium, nec plaga mortalis, vel alia felonia Laica quæ possit hominem damnare, sine Mandato Sanctæ Ecclesiæ: Consideratum est, quod istud in primò tractetur in sancta Ecclesia, et per Ordinarium loci inquiratur rei veritas: Et mandetur Domino Regi unum Marcum auri persic, quod puer videatur coram Iusticiariis, si circumcisus fuit, vel non; & recipitur. Et visus est puer, et membrum ejus visum est, pelle coopertum ante in Capite: Et in tali statu liberatur patri suo, ut eum habeat coram Iudicibus Ecclesiasticis, & ipsi Judæi remaneant in* Prisona. So far this Record relates the proceedings in the Kings Court, and *Matthew Paris* informs us what they afterwards did in the Bishops.

*Assembled in Parliament, where all New and doubtfull Cases were to be decided.

It seems the Citizens of *Norwich* upon this occasion fired the Iews Houses in the City: for in *Placita* 18 *H.* 3. rot. 27. in Dorso, I find a complaint of the Citizens of *Norwich* against the Sheriff of *Norfolk*, for certain injuries done unto them, in entring their Liberties, beating their Servants, and ayding the Jews; who justified that

what he did, was because the Citizens had fired the Iews houses; Which business was debated before the King at *Bromholme*. And because the Bayliffs of the Town made no Inquisition concerning these burnings, and beatings of their Servants, as belonged to their Office, nor made any emendation thereof, neither would the Commonalty of the City it self, in defence of their Liberties, permit the Sheriff of *Norfolke* to reform it, it was adjudged, that they should be in the Kings mercy, as well for their Liberties as for the other things, and after *paid a fine of fifty marks*.

The very next year the Jews in Forraign parts, especially in *Germany*, believing, that the *Tartars* were of their own Nation, entred into a secret League with them, to destroy the Christians, and subdue the whole world to themselves; to which end they provided many Hogsheads filled with arms to be transported to the *Tartars*; pretending to the Christian Princes, that they were Vessels filled only with poysoned Wines, wherewith they intended to poyson and destroy the *Tartars*, who would drink no wines but such as were made by the Iews. But this their treachery being detected by the Customers in *Germany*, who found these pretended Vessels of wine, to be fraught with arms for the *Tartars* wherewith to destroy the Christians; thereupon the Iews were delivered to Tormentors, to be perpetually imprisoned, or slain with their owne swords, as *Matthew Paris* more at large relates. *Anno* 1241. p. 564.

(u) *Mat. Paris, p. 605.*

(u) King *Henry*, Anno 1243. exacted a great ransom from the most miserable Iews, both in gold and silver: so that, besides what he exacted from others, he extorted from one Iew, *Aaron of Yorke*, 4 marks of gold, and 4000 marks of silver: the King himself receiving the gold with his own hand from every Iew, man or woman, being made of a King, a new receiver of Custom; but the silver was received by others for the King.

(x) *Mat. Paris p. 644.*

(x) *Anno* 1244. in *August*, the corps of a little male child was found buried in the City of *London*, in whose thighs

thighs and arms, and under whose paps, there was a regular inscription in Hebrew Letters. To which spectacle when as many resorted, admiring at it, and not knowing how to read the letters, knowing that the letters were Hebrew, they called thither converted Iews, who inhabited the House which the King had founded in *London*, that they as they loved their life or members, for the honour, love, and fear of their Lord the King, without figment of falshood, might declare that writing. For the Kings Bayliffs and Conservators of the Peace were present. They likewise believed, neither without cause, that the Iews had either crucified that little child in obloquy and contumely of Christ (which was related frequently to have happened) or had afflicted him with sundry torments to crucify him, and when he had given up the ghost, they had now cast him there, as unworthy the Cross. Moreover, there appeared in his body blew marks, and rents of rodds, and manifest signs and foot-steps of some other torment. And when as those Converts were brought to read those things that were inscribed, and studied that they might perfectly read them, they found the Letters deformed, and now not legible, being many ways disordered, and tossed up and down, by reason of the extension and contraction of the skin and flesh. But they found the name of the Father and Mother of the little child, suppressing their surnames, and that the child was sold to the Iews; but to whom, or to what end, they could not find. In the mean time, certain of the *London* Iews took a secret and sudden flight, never to return again, who by this very thing rendered themselves suspected. And some affirmed, that the Lord had wrought miracles for the child. And because it was found, that the Iews at other times had perpetrated such wickedness, and the holy bodies crucified had been solemnly received in the Church, and likewise to have shined brightly with miracles, although the prints of the 5 wounds appeared not in the hands and feet & side of the said corps, yet the Canons of St. *Paul* took it violently away, and solemnly buried it in their Church, not far from the great Altar.

(y) The

[y] *Mat. Paris p. 641.* [y] The same year (1241.) The Barons in Parliament ordered, That there should be one Justice at the least appointed for the Jews, by the nomination of the Parliament.

[z] *Mat. Paris, p. 778, 779, 785. Speed. p. 529. John Stow his Survey of London, p. 289. Sir Richard Bakers Chron. p. 120: See Rot. Pat. 33. H. 3. in 4. Rot. Finium. 33 H. 3. m. 6. Rot. Fin. 34 H. 3. m. 1, 2.*

[z] In the year of our Lord 1250. King *Henry* the 3d. burning with a covetous desire, commanded money to be extorted from the Jews without all mercy, so as they might seem to be altogether and irrecoverably impoverished; exacting what monies soever they had in their chests. Notwithstanding, although they were miserable, yet they were pitied by none, because they were often proved and convicted to have been counterfeiters as well of monies as of seals. And to passe by the monies of others, we shall only mention one, that their malice may the more appear to them. There was a certain rich Jew, having his abode and house at *Berkamstede*, and *Wallingford*; *Abraham* in name, not in faith: who was very dear to Earl *Richard*, who had a very beautifull wife, and faithful to him, named *Flora*. This Jew that he might accumulate more disgrace to Christ, caused the Image of the Virgin *Mary*, decently carved and painted, as the manner is, holding her Sonne in her bosom. This Image the Jew placed in his house of Office, and which is a great shame and ignomy to expresse, blaspheming the Image it self, as if it had been the very Virgin her self, threw his most filthy and not to be named excrements upon her, days any nights, and commanded his wife to do the like. Which when his wife saw, after some days she grieved at it, by reason of the Sex, and passing by secretly, wiped off the filth from the face of the Image most filthily defiled. Which when the Jew her husband had fully found out, he therefore privily and impiously strangled the woman her self, though his wife. But when these wicked deeds were discovered, and made apparent, and proved by his conviction, although other causes of death were not wanting, he was thrust into the most loathsome Castle of the Tower of *London*. Whence to get his freedom, he most certainly promised,

mised, *That he would prove all the Jews of* England, *to have been most wicked Traitors.* And when as he was greatly accused almost by all the Jews of *England*, and they endeavoured to put him to death, *Earl Richard* interceded for him. Whereupon the Jews grievously accusing him both of the clipping of money, and other wickednesses, offered *Earl Richard* a thousand marks, if he would not protect him; which notwithstanding the *Earl* refused, because he was called his Jew. This Jew *Abraham* therefore gave the King 700 marks, that he might be freed from perpetual imprisonment, to which he was adjudged, the *Earl* assisting him therein. The King thereupon at the same time sent the Justices of the Jews throughout all *England*, to search out all their mony both in Debts and Possessions, and with them a certain most wicked and mercilesse Jew, that he might wickedly and falsly accuse all the rest against the truth; who verily reprehended the Christians, pittying and weeping over the affliction of the Jews, and called the Kings Bayliffs, *lukewarm and effeminate*; and gnashing with his teeth over every Jew, affirmed with many great Oathes, that they could give twice as much more to the King, then what they had given, although he most wickedly lyed against his own head. This Jew, that he might more effectually hurt the rest, revealed all their secrets dayly to the Kings Christian Exactors. In the mean time the King ceased not to scrape money together from all hands, but principally from the Jews; so that from one Jew alone; born and living in *York*, called *Aaron*, (because he was convicted of falsifying a Charter, as was reported) he extorted 14000 marks, and 10000 marks of gold for the Queens use, for a little times respite, that he might not languish in prison. All which sums being paid, it was found that this *Aaron* had paid to the King since his return from foreign parts, 30000 marks of silver, and two hundred marks of gold to the Queen, as the said *Aaron* upon the attestation of his honour and faith averred to *Matthew Paris*, who records it, Yet notwithstanding, al-

though the Jews might be pitied, yet were they pitied by no man; seeing they were corrupters and counterfeiters of the Kings money and of charters, and manifestly and frequently proved, condemned, and reprobated as such.

King* *Henry*, *Anno* 1251. *Decreed to destroy all the Jews in his Kingdom*, but some of his Counsellors disswaded him from it, and that they should rather be left as Vagabonds, like *Cain*, that their misery by this means might be set before the eyes of men in all ages. Whereupon the Kings mind was mitigated, and his Decree abolished. Notwithstanding *he seriously prohibited them the eating of flesh in Lent, and on Fridays.*

* *Balæus Cent. 4. Scrip. Brit. c. 14. in Apendice, Cent. Magd, 13 c. 15. col. 1285.*

[a] *Philip Luuel*, Clerk, called to the service of the King, and deputed to the custody of the Jews, Anno 1251. was grievously accused before the King, his adversaries affirming, that when he and *Nicholas* of St. *Albans* Clerk, were sent towards the Northern parts to tax and squeeze the Jews, he privily received most precious Vessels from a certain Jew, that he might spare him in his Tallage to the King; and that he likewise took secret gifts from others, that he might spare them; and that he oppresst these Jews notwithstanding, to the damage of the King, and the violation of his Faith. Whereupon the King being very angry, commanded *Philip* himself to be unworthily handled, until he should satisfie him for this great transgression. *Philip* hereupon, a crafty and circumspect man, humbly craved advice and assistance from the Lord *John Mansel*, the Kings Prime Counsellor, concerning his great tribulation, because he had promoted him to the Kings service, who effectually procured that he recovered the kings favor, giving him a great summe of money for it, a thousand marks as was reported, Yet notwithstanding he was removed from his Office, and not a little disgraced.

[a] *Mat. Paris, p. 827.*

It seems the kings Officers could fleece the Jews in that age, by secret Bribes and Gifts, as well as himself, by intollerable Exactions.

[b] King *Henry* the III. to satisfie the Popes desire in taking a Voyage to the Holy Land, *Anno* 1252. extorted

[b] *Mat. Paris, p. 831. 856.*

torted from the Jews whatsoever those miserable wretches might seem to have, not only by scraping or excoriating, but even by unbowelling them. Being also an Hydropical thirster after gold, he so greedily sucked talents, or Bullion, or Jewels, as well from Christians as Jews, that a new *Crassus* might seem to be raised from the dead. And this very year *Robert de la Ho*, to whom the king had committed the custody of the Jews, and of the Seal which belonged to their Exchequer, was grievously accused before the king, being charged with this crime, That he had oppressed the innocent Son of a certain knight, by a certain false Charter, confirmed with the Seal, of which the said *Robert*, *Iustice of the Iews*, was the bearer and keeper. Whereupon he was basely apprehended, and committed to a close Prison; and defamed with the like scandal wherewith *Philip Luuel* but the year just before had been intangled in the snares of the perfidious Jews, who was then their *Iustice*. At last, by the great labour of his friends, the malice of the Jews is detected, but the innocency of the said *Robert* then set free, scarce declared. Whereupon being put from his Offices, he openly paid 4 marks of gold at least for his fine.

[*c*] This very year (1252.) there came out of the holy Land a Mandate from the king of *France*, that all the Jews should be expelled out of the Realm of *France*, and condemned to perpetual exile, with this clause of moderation added thereto: But he who desires to remain, let him be an artificer or handicrafts-man, and apply himself to mechanical artifices. For it was scornfully objected to the said King by the *Saracens*; *That we did little love or reverence our* Lord Jesus Christ, *who tolerated the murderers of him to live among us.*

[*c*] *Mat. Paris Hist. Angl. p.* 861, 862. *Fox Acts and Mon. Vol.* 1. *p.* 413.

[*d*] In the year of Christ, 1253. *November* 10. the Obligatory Chatter wherewith the Abbot and Covent of St. *Alban* were held bound for the debt of *Richard de Oxaie* knight, was taken out of the hand of *Elias* the *London* Jew, and freed out of the chest; and it was proclaimed

[*d*] *Mat. Paris, p.* 873, 874

claimed in *the School of the Jews* at *London* (where it seems they had then a School) that the foresaid Abbot and Covent should be quit from all this debt against them from the beginning of the world till then, as the Statute obtained by them protesteth.

[e] *Fox Acts & Mon. Vol. 1. p. 423 ex Eulogio.*

(e) The Jews in *Northampton* about the year of our Lord, 1253. had among themselves prepared wild-fire, to burn the City of *London*, for the which divers of them were taken and burned in the time of *Lent* in the City of *Northampton*.

[f] *Mat. Paris, p. 187. See John Stows Survey of London. p. 289. Polydor. Virgil Hist. Angl. l. 16. Cent. Magd. 13. c. 15. col. 1286. Bakers Chronicle p. 122.*

(f) *Ann* 1254. King *Henry* after *Easter* so cruelly raged against the most miserable people of the Jews, that they loathed even to live. And when they were called together, Earl *Richard* exacted of them for the use of the King, who was then in great want, no small sum of money, under pain of a most loathsom prison, and a most ignominious death. *Elias* therefore of *London*, High Priest of the Jews, taking counsel with his Companions, answered for them all, who had frequently paid very great summs of money, whether they would or would not. *O noble Lords, we see undoubtedly that our Lord the King purposeth to destroy us from under heaven. We intreat, for Gods sake, that he would give us license & safe conduct of departing out of his Kingdom, that we may seek and find a mansion in some other place, under some Prince who bears some bowels of mercy, and some stability of truth and faithfullnesse, And we will depart; never to return again, leaving here our houshouldstuff, and houses behind us. How can he love or spare us, miserable Jews, who destroyes his own natural English? He hath people, yea his own Merchants, I say not Usurers, who by usurious contracts, heap up infinite heaps of money. Let the King rely upon them, and gape after their emoluments. Verily they have supplanted & impoverisht us. Which the K. howsoever dissembles to know, exacting frō us those things we cannot give him, although he would pull out our eyes, or cut our throats when he had first pulled off our skins.* And speaking this with sighs and tears hindring his speech, he held his peace, falling almost into an extasie ready to die. Which

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when

when it came to the knowledge of the Magistrates, they permitted them not to depart out of the Realm; saying. *Whether will ye flee, O wretches! Behold the King of* France *hateth and persecuteth you, and hath condemned you to perpetual exile, shunning* Charibdis, *you desire to be drowned in* Scylla. And so the small little substance, which was left to them for their mean sustentation, was violently extorted from them.

(g) King *Henry* the 3d. An. 1255. exacted with great earnestness from the Jews, although very frequently impoverished, 8000 marks, to be speedily paid unto him under pain of hanging. But they seeing nothing else hanging over them, but destruction with confusion, answered all unanimously. *Sir King, we see that thou spares neither Christians, nor Iews, but studiest with crafty fetches to impoverish all men: we have no hope of respiration left us: the Usurers of the Pope have supplanted us; permit us to depart out of thy kingdom with safe conduct; and we will seek for our selves such a mansion as we can, be it what it will.* Which when the King had heard, he cried out with a querulous voice, saying: *It is no marvel if I covet money, it is an horrible thing to imagin the debts wherein I am held bound, By the head of God, they amount to the sum of two hundred thousand marks, and if I should say of three, I should not exceed the bounds of truth. I am deceived on every side. I am a maimed and abridged King, yea, now but an halfed King. For having made a certain estimate of the expences of my rents, the sum of the annual rent of* Edward *my Son amounts to above* 15000 *marks. There is therefore a necessity for me to live of the mony gotten from what place soever, from whomsoever, and by what means soever.* Therefore being made another *Titus*, or *Vespasian*, he sold the Jews for some years to *Earl Richard* his brother, that those whom the King had excoriated, he might eviscerate. Yet the Earl spared them, considering their abbreviated power, and ignominious poverty.

(h) The same year, about the Feast of *Peter & Paul*, the Jews of *Lincoln* stole a child call'd *Hugo*, being 8 years old, and when as they had nourished him in a certain most secret

(g) *Mat. Paris p. 902. Mat. West. p. 270. Holinshed, Vol. 3. p. 252. John Stows Survey of London, p. 289. See Pat. 39. H. 3. m. 4. dorf. & 2. & 46. H. 3. m. 11.*

(h) *Mat. Paris p. 912. Fabian part. 7. p. 58. Fox Acts and Mon. Vol. 1. p. 423. Jo. Stow Chronicle. p. 190. Survey of London, p. 289. Grafton, p. 127. Holinshed, p. 253. Balæus Cent. 4. c. 22. Johan. Major l. 4. c. 12. Cent. Magd. 13. c. 14. col. 1282.*

cret chamber, with milk and other childish aliments, they sent almost to all the Cities of *England* wherein the Jews lived, that in contempt and reproach of Jesus Christ, they should be present at their sacrifice at *Lincoln*: for they had, as they said, a certain child hid to be crucified. Whereupon many assembled at *Lincoln*. And comming together, they appointed one *Lincoln* Jew for the Judge, as it were for *Pilate*. By whose judgement, by the consent of all, the child is afflicted with sundry torments. He is whipped even unto blood and lividness, crowned with thorns, wearied with spittings and shriekings: and moreover he is pricked by them all with ponyards, made to drink gall, derided with reproaches and blasphemies, and frequently called by them with grinding teeth, *Jesus the false Prophet*. And after they had derided him in divers manners, they crucified him, and pierced him with a spear to the heart. And when the child had given up the ghost, they took down his body from the cross, and took the bowels out of his corps, for what end is unknown; but it was said it was to exercise Magical arts. The mother of the child diligently sought for her absent son for some days, and it was told her by neighbors, that the last time they saw her child whom she sought, he was playing with the children of the Jews of his age, and entred into the house of a certain Jew. Whereupon the woman snddenly entred that house, and saw the body of the child cast into a certain pit. And having warily called the Bayliffs of the City together; the body was found and drawn forth; and there was made a wonderful spectacle among the people. But the woman, mother of the child, complaining and crying out, provoked all the Citizens there assembled together, to tears and sighs. There was then present at the place *Iohn de Lexinton*, a circumspect and discreet man, and moreover elegantly learned, who said. *We have sometime heard, that the* Jews *have not feared to attempt such things in reproach of* Jesus Christ, *our crucified Lord.* And one Jew being apprehended, to wit, he into whose house the child entred playing, and therefore more suspected than the rest; he saith unto him. *O wretch!*

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wreteh! knowest thou not that speedy destruction abides thee? All the gold of England *will not suffice for thy deliverance or redemption.* Notwithstanding I will tell thee, although unworthy, by what means thou maist preserve thy life and members, that thou maist not be dismembred. I will save both to thee, if thou dost not fear to discover to me whatsoever things are done in this case without falshood. Whereupon this Jew, whose name was *Copin*, believing he had thus found out a way of escape, answered, saying, Sir *Iohn*, if thou makest thy words good by thy deeds, I will reveal wonderfull things to thee, and the industry of Sir *Iohn* animating and exciting him therto, the Jew said. *Those things are true which the Christians say. The Jews almost every year crucify one child, to the injury and contumely of Jesus; but it is not found out every year: for they do this secretly, and in hidden and most secret places; But this child whom they call* Hugo, *our Iews have most unmercifully crucified, and when he was dead, and they desired to hide him being dead, he could not be buried in the earth; nor hid. For the corps of the innocent was reputed unprofitable for Divination, for he was unbowelled for that end. And when in the morning it was thought to be buried, the earth brought it forth, and vomited it out, and the body sometimes appeared inhuman, whereupon the Iews abhorred it. At last it was cast headlong into a deep pit, neither as yet could it be kept secret. For the importunate mother diligently searching all things, at last shewed to the Bailiffs the body she had found.* But Sir *Iohn* notwithstanding this, kept the Iew bound in chains. When these things were known to the Canons of the Church of *Lincoln*, they requested the body to be given to them, which was granted. And when it had been sufficently viewed by an infinite company of people, it was honourably buried in the Church of *Lincoln*, as the corps of a most precious martyr. The Jews kept the child alive for 10 dayes, that being fed for so many dayes with milk, he might living suffer many sorts of torments. When the K. returned from the Northern parts of *England*, and was certified of the premises, he reprehended Sir *Iohn*, that he had promised life and mem-

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members to so flagitious a person, which he could not give; for that blasphemer and homicide was worthy the punishment of many sorts of death. And when as unavoydable judgement was ready to be executed upon this Offender, he said. *My death is now approaching, neither can my Lord* John *preserve me, who am ready to perish. I now relate the truth to you all. Almost all the Iews of* England *consented to the death of this child, whereof the Iews are accused: and almost out of every City in* England *wherein the Iews inhabit, certain chosen persons were called together to the immolation of that child, as to a Paschal Sacrifice.* And when as he had spoken these things, together with other dotages, being tied to an horses tail, and drawn to the Gallows, he was presented to the aereal Cacodæmons in body and soul; and 91 other Jews, partakers of this wickedness, being carried in carts to *London*, were there committed to prison. Who if so be they were casually bewailed by any Christians, yet they were deplored by the *Caursini* (the Popes *Italian* Usurers) their corrivals with dry eyes. Afterwards by the Inquisition of the Kings Iustices, it was discovered and found; *That the Iews of England by Common counsel had slain the innocent child, punished for many days and crucified.* But after this the Mother of the said child constantly prosecuting her appeal before the King against them for that iniquity and such a death; God the Lord of Revenges, rendred them a condigne retribution, according to their merits; for on St. *Clements* day, 88. of the richest and greatest Jews of the City of *London*, were drawn and hanged up in the air upon new Gibbets especially prepared for that purpose, and more than 23 others were reserved in the Tower of *London* to the like judgement.

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I have transcribed this History at large out of *Matthew Paris*, who flourished at that time, because our other Historians doe but briefly touch it, and because it undeniably manifests the transcendent impiety, blasphemy, malice, persecution, and obloquy of the Jews against our Saviour Jesus Christ, and Christians, and their constant,

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usual practise of crucifying children almost every year, in contempt and reproach of our crucified Saviour, by common consent; which Mr. *Nye* conceived might be easily wiped off, as false, & not fully proved or charged on them by our Historians, which this ensuing passage concerning these Jews will further ratify.

(*i*) Certain infamous Jews being 71 in number, adjudged to death by the Oath of 25 Knights, for the miserable death of the child crucified at *Lincoln*, being reserved in the Prisons of *London* to be hanged *Anno* 1256 (the year after their condemnation) sent secret Messengers to the *Friers Minors*, (as their enemies affirm) that they might intercede for them, that they might be delivered from death and prison, being notwithstanding worthy of the most shamefull death. Whereupon they (as the world reports, if the world in such a case be to be credited) *by the mediation of money*, freed them by their prayers and intercession, both from the prison and from the death which they had deserved; led thereto with a spirit of piety, as I think is piously to be believed: Because so long as any man is in life, and in this world, he hath free-will, may be saved, and there is hope of him. But yet for the Devil, or the manifestly damned, we are not to hope nor pray, because there is no hope of them, for death and a definitive sentence, at once irrevocably intangle them. Neither could this answer excuse the Minors, for although they were not guilty, yet the scandal did defame them. The common people now hath withdrawn their hands, that they doe not benefit them with their alms, as heretofore, and the *Londoners* devotion is grown cold towards the *Minorites*. For procuring these condemned Jews life and liberty, whose money (it seemeth) could even corrupt these very self-denying Popish Saints, who had renounced the world in habit, but not in heart.

[*i*] *Mat. Paris p.* 622.

(*k*) All the Prelates of *England* in the year 1257. drew up certain Articles in writing concerning their liberties, which they intended to present to the King, and Nobles, to be ratified by them in Parliament in due sea-

[*k*] *Mat. Paris, Additamenta, p.* 202. 207.

son; wherein they complain, *Artic.* 32, 33. *That when as the Iews are convicted before the Ecclesiastical Iudges for dolmquency against an Ecclesiastical person, or for Ecclesiastical things, or for sacrilledge, or for laying violent hands upon a Clerk, or for adultery with a Christian woman; the conusans of the cause is hindered by the Kings prohibition: because it alleageth, that they have their proper Iudge, the Sheriff of the place, and their proper delegated Iudges, who may and ought to have conusance of these things. And yet if they be convented by a Clergy-man or Lay-man before them for such things upon the denial thereof by the person alone, by the simple assertion of another Iew, and of one Christian, without the administring of an Oath; they purge themselves, the proof of the prosecutor being utterly rejected.*

Item, If Communion be denied to them by the Church because they bear not their Table or sign, or because they retain Christian Nurses against the Precepts of the Church, or if they be excommunicated for some other excesses; the Bailiffs (or Officers) of the King communicating with them, command on the behalf of our Lord the King himself, that they be not avoided by any, and cause them to be admitted and received to Communion.

Against which grievances in derogation of Ecclesiastical Jurisdiction, the Bishops then thus provided. *And because in like manner the Office of the Prelates is hindred when as it happens a Iew offending against Ecclesiastical things and persons shall be convented for these things before them, and for other things which appertain to their Ecclesiastical Court of meer right; We provide, that the Iew notwithstanding shall be compelled to answer in these cases by the interdict of commerce, contracts and Communion of the faithfull: likewise the inhibiters, hinderers and distrainers shall incurre the punishments of interdiction and excommunication.*

[l] Mat. Paris: Hist. Angl. p. 682.

(*l*) In the year of Christ 1259. *On the Feast of Christs Nativity*, a certain creature, *Elias* a Jew of *London*, whose Sirname was *Bishop*, *fearing danger and manifest damnation to himself, fled to the laver of defence and salvation, and was new-born in the Spirit; for, being cleansed with wholesom*

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Baptism, two others also accompanying him, he was delivered out of the lot of the Devil, and saved from the revenge of the most wicked crime heretofore committed by him. For it was said, that in his house that poysonous drink was made, which had proved mortal and perillous to many Nobles of England, (poysoned therewith by the Jews) *which even he himself, as was reported, well confessed. But then he was a Devil, but now throughly changed, and a Christian, and as the condition, so the operation is changed.* As *Mathew Paris* Ironically writes of them.

(*m*) A certain *Jew* in the year 1260. fell into a Privy at *Teuxsbury*, but because it was then the Sabbath, he would not suffer himself to be pulled out, except on the following Lords day, for the reverence of his Sabbath; Wherefore *Richard de Clare* Earl of *Gloceſter*, commande him (in reverence of the Lords Day) to be kept there till *Munday*, at which time he was found dead of the stink; or hunger.

(*n*) The Barons of *England*, Anno 1262. robbed and slew the Jews in all places. There were slain of them in *London* to the number of 700. the rest were spoiled, and their Synagogues defaced. The original occasion of which massacre was, because one Jew had wounded a Christian man in *London* in *Cole-church*, and would have enforced him to have paid more then two pence for the Usury of 20 s. for one week.

(*o*) In the year 1264 in the Passion week, the Jews that inhabited the City of *London*, being detected of treason, which they devised against the Barons and Citizens, were slain almost all the whole number of them, and great riches found in their houses, which were taken and carried away by those that ransacked the same houses.

(*p*) The dis-inherited Barons and Gentlemen in the Isle of *Oxholm*, in the year 1266. took and sacked the City of *Lincoln*, *spoiled the Jews, and slew many of them, entred into their Synagogue, and burnt the book of their Law, with all their Charters and Obligations.*

Anno 1275. the 3. of *King Edward* the 1. his reign, the Sta-

(*m*) Mat. Paris Hist Angl. p. 990. Fox Acts & Mon. Vol. 1. p. 423. John Stows chronicle p. 91. Survey of London p. 289. Polychronic. l. 7, c. 37. Cent. Magd. 13. c. 15 col. 1287. Volat. Greg. l. 3. Bakers Chron. p. 130.

(*n*) John Stows Chron. p. 210. Survey of London, p. 289. Holinshed, Vol. 3. p. 263.

(*o*) Mat. West. 1264. pars 2. p. 323. Raphael Hol. Vol. 3. p. 27.

(*p*) Hol. Vol. 3. p 272. Fox Acts & Mon. Vol 1 p 438.

as Sir *Edward Cook* affirms, wherein they were hence exiled.) These Statutes I shall here translate out of *French*, and insert, being not extant in our Statutes at large, nor never yet all printed in the English tongue that I can find, but only * some clauses of the first of them.

In Rastal usury 2. & Cooks 2 Instit. f. 89.

"1. Forasmuch as the King hath seen, that many mischiefs "and disherisons of honest men of this land have happened by the usuries which the Jews have made therein "in times past, and that many sins have therein risen from "thence: Albeit he and his Ancestors have had great "profit from the Jews both now and in times past: Notwithstanding this, for the honour of God, and for "the common benefit of the People, the King doth ordain and establish; that no Jew hereafter shall take "ought for usury upon lands, rents, nor upon other "things: and that no Usury shall run from the Feast of "St. *Edward* last past, and before, but that the covenants "before made shall be held, save only that the Usuries "themselves shall cease. Provided that all those who are "indebted to Jews upon pawns moveable, shall discharge "them between this and Easter at furthest, and if not, "let them be forfeited: And if any Jew shall take usury "against this establishment, The King neither by himself, "nor any of his Officers, will not intermeddle to cause "him to recover his debt (or use) but will punish him at "his pleasure for the Trespasse, and shall do right to the "Christian to recover his gage.

** Totles Mag. Charta 1556. part. 2. f. 58, 59.*

"2. And it is provided that the distresses for the debt "of Jews, shall not hereafter be so grievous, that the "moity of Lands and Chattels to the Christians shall not "remain for their sustenance. And that no distresse "shall be made for the debt of a Jew, upon the heir to the "Debtor named in the Charter of the Jew, not upon "other which holds the Land which was the Debtors, "before the debt shall be dereigned and acknowledged "in Court. And if the Sheriff or other Bayliffs by com-"mandment of the King ought to make seisin to a Jew, "to one or more, for their debt, of chattels, or of lands, to

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"the value of the debt, the chattels shall be praised by "the Oath of honest men; & the Chattels shalbe delivered "to the Jew or Jewesse, or to their Arturney, to the "value of the debt; And if the chattels be not sufficient, "the lands shall be extended by the same Oath, before "that the seisin shall be delivered to the Jew or Jewesse, "every one according to the value, and so that they may "after know certainly the Debt is discharged, that "the Christian afterwards may then have his lands: sa-"ving to the Christian for ever the moity of his lands, and "of his chattels for his sustenance, as afore is said, and "the chief house.

"3. And if any thing stollen at this hour shall be found "in the possession of a Jew, and any will sue, let the Jew "have his summons, if he may have it, and if not, he shall "answer so, that he shall never be priviledged for it other-"wise than a Christian.

"4 And that all the Jews shall be residents in the Ci-"ties and in the Burroughs which are the Kings owne, "where the* Chest for the Jews Indenture is wont to "be. And that every Jew after he is past 7 years of age, "shall carry a sign (or † badge) in his chief garment; that "is to say in form of two Talles of * yellow taffety, of the "length of six fingers and breadth of 3 fingers (or an hand-"full.) And that every one after he is past 12 years shall "pay 3 d. the poll every year to the King, which shall be "paid at *Easter*; and this shall be intended as well of wo-"men as of men.

"5. And that no Jew shall have power to infeoffe a-"nother Jew nor Christian of their houses, rents or te-"nements which they have now purchased, nor to alien "them in any manner, nor to make an acquittance to a-"ny Christian of his debt, without the special license "of the King, untill the King hath otherwise ordai-"ned.

6. "And becaus holy Church wills and suffers, that "they should live and be protected, the King takes them "into his Protection, and gives them his peace, and

"wills

* *See here p. 15 & Rot. Claus. 1 E. 1. m.*

† *See Concil. Lat. sub Innocent. 3. c. 68. Surius Concil. Tom. 3. col. 754. extra de Judæis & Saracenis c. 13.*

* *So the French but it should be white.*

"wills that they shall live, and shall be guarded and de-
"fended by his Sheriffs, and his other Bayliffs, and by
"his Leiges; and commands that none shall doe them
"harm, injury, nor force in their bodies, nor in their
"goods, moveables or immoveables. And that they
"shall not be impleaded, sued nor challenged in any
*See Rot. claus 3 Ed. 1 memb. 17. "Court, but in the * Kings Court, whereſoever they
"are.

7. "And that none of them shall be obedient, respon-
"dent, nor render rent, but to the King and his Bayliffs
"in his name, if it be not of their houses which they
"now hold rendering rent; saving the right of holy
"Church.

8. "And the King grants them, that they shall live
"of their lawfull merchandizes, and by their labour, and
"that they shall converse with the Christians for lawfull
"merchandizing in selling and in buying. But yet, that
"by this privilege, nor any other, they shall not be *levant*
"(rising) or *couchant* (lying down) amongst them. And
"the King will not, that by reason of their merchandize,
"that they should be in lots nor scots, nor Tallage
"with those of the Cities or Burroughs where they re-
"main, seeing they are tailable to the King, as his own
"Vassals, and to none other.

9. "Moreover the King grants them, that they may
"buy houses and curtelages in the Cities or Burroughs
"where they reside, so as they hold them in chief of
"the King: saving to the Lords the Services due and
"accustomed.

10. "And that they may take Lands to farm for term
"of ten years, or under, without taking homages or feal-
"ties, or such manner of service of a Christian, and with-
"out having advowson of holy Church, for to support
"their life in the world, if they know not how to mer-
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"to take Lands to farm, shall not endure to them but 15
"years from this time forth to come.

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By these Laws this politick King to please his *English* Christian Subjects, abridged many of the Jews former priviledges, and put many new restraints upon them. And yet on the other hand, to gratifie the Jews, (who gave him more monies than the *English*) he takes them all into his special protection, prohibits all violence to their persons or estates, and grants them some petty priviledges for the present, which seemed to content them, and made for his owne advantage, more than theirs.

Rot. Claus. E. 1. in the Tower, rot. 8. I find, that one who was bound to *Gamilela* a Jew, and had lands, afterwards acknowledged himself a Villain; whereupon a writ then issued to inquire, *what lands he had at the time of the making of the bonds*, and to extend them JUXTA STATUTA JUDAISMI. And claus. 4 E. 1. rot. 11. there is this recital made of this very Statute of Judaism: *Cum secundùm Assisam* ET STATUTUM JUDAISMI NOSTRI, *Judæi nostri in part: ne habere* DEBEANT *à Christianis creditoribus* MEDIETATEM *terrarum reddituum & Catallorum ipsorum, quousque debita sua perciperent*, &c. & execution awarded in the case of a Jew, according to the 2 *clause* of this Statute. Therefore it is most certain, it was not made in 18 *E.* 1. which was 14 years after these two records, reciting it both by name and words, but in 3 *E.* 1. the very next year before these records, the end for which I here insert them.

(*q*) In the 7th year of King *Edward* the 1. Anno Dom. 1278. as some, or 1279. as others compute it, the King held a Parliament at *London*, which was chiefly called for the reformation of his coyn, which was then sore clipped, by reason whereof it was much diminished and impaired. In the time of this Parliament in the moneth of *November* all the Jews throughout *England*, (as *Matthew Westminster*) or many of the Jews in *London*, and other

(*q*) *Mat. West. An.* 1278. *p.* 367. *Hygden, Polychronicon, l.*7. *c.*38. *Henry de Knyghton de Eventibus Angliæ, l.*3. *c.*1. *col.*2462. *Walsingh. hist. Ang. Ann.* 1279. *p.*18. *Ypodigm. Neustriæ, p.*69. *Fabian part.*7. *p.*124. *Grafton, p.* 164. *Stows Chronicle. p.*200. *Survey of London, p.*289. *Holinshed, p.*279. *Balæus Cent.*4. *Script. Brit. c.*61. *in Appendice Cent. Magd.*13. *c.*15. *col.*1286. *Bakers Chron. p.* 145. *Rot. Claus.* 7. *E.*1. *m.* 6, 7.

parts of the Realm, were apprehended in one day, and imprisoned in *London* for clipping of money: and in *December* following, divers Enquests were charged in *London*, to enquire of the said Jews, and all others who had so blemished and clipped the Kings coyn; By which Enquests the Jews of the City, with the Gold-smiths that kept exchanges of silver, were indicted. And shortly after *Candelmas*, the Mayor and Justices of the Land sat at *London*, where before them was cast 297 persons for clipping; of the which 3 only were *Englishmen*, and all the other were *Jews*, born either within this Realm, or elsewhere, but most of them English Jews; who were all of them at sundry places and times put to execution in *London*; who impeached the chief men of *London*, and very many Christians, who consented to their wickednesses. *After which a very great multitude of Jews were hanged in other Cities of* England *for the same offence.* Hereupon in the *Patent Rolls* of 7, 8, and 9 *Edw.* 1. in the *Tower*, I find sundry grants of the Jews *Houses and Lands* in *London*, *Yorke*, and *Northampton*, made by the King, to several persons, as escheated to him by those executed Jewish offenders.

(r) *John Stow his Chron. p. 20. Survey of London p. 289.*

(r) *Anno* 1279. The Jews of *Northampton* crucified a Christian boy, but did not thoroughly kill him, upon Good-Friday; for the which fact many of the Jews at *London*, after Easter, were drawn at Horses tails, and hanged.

(s) *John Stow his Chronicle, p. 202. Survey of London, p. 289.*

(s) In the year of our Lord 1282. *John Peckham* Arch-bishop of *Canterbury*, sent an expresse precept and command to the Bishop of *London*, to suppresse and destroy all the Synagogues of the Jews within his Diocesse.

(t) *Stow his Chronicle, p. 203, 204. Survey of London, p. 289.*

(t) On *May* 2. *Anno* 1287. All the Jews of *England* were apprehended by the Kings precept, for what cause was not known; who ransomed themselves for 12000l. of silver; They had then a Synagogue at *Canterbury*. *Fabian* writes, that the Jews of *England* were sessed at great sums of mony (perchance the cause of their seisure)

sure) which they paid unto the King; But of* other Authors it is said, *That the Commons of England then granted to the King the fifth part of their moveables, for to have the Iews banished out of the Land.* For which cause the said Jews, for to put the Commons from their purposes, gave of their free wills great sums of money to the King, which saying appeareth to be true, for that the said Jews were exiled within few years after: with whom *Grafton* and *Holinshed* accord. A strong evidence of the potency of Jewish money, over-powring the whole Commons of *England* in Parliament, and this their Liberal subsidy for their banishment at that season.

*Fabian part: 7 p. 131. Grafton p. 168. Holinshed vol: 3. p. 283.

(u) K. *Edward* the 1. the next year (1288.) being in *Gascoigne*, a certain English Knight decreed to convent a Jew, for the undue detention of a certain Mannor morgaged to him, before the Judges: but the crafty Jew refused to answer, pretending a Charter of King *Henry* heretofore, which was granted to him, that he should not be drawn into judgement before any Judge, except only before the person of the King. The Knight being troubled at this, went into *Gascoigne*, that he might obtain some remedy hereupon from the King. Whom when the King had heard, he answered: *It is not seemly for children to make void the deeds of their parents, to whom by Gods Law they are commanded to give reverence: wherefore I have decreed, not to make void the deed of my Father; but I grant to thee, and to the rest of my Realm by the like Law (lest a Jew might seem better than a Christian) that for any injury whatsoever done to the Iew, so long as he shall enjoy his Charter, you shall not be convented before any Judge, except my self.* The Knight returning with this priviledge, the Jew considering that danger and peril hung over his head, voluntarily renounced his Charter, evacuating the condition of his priviledge, and wishing that both parties might be subject to the Common Law.

(u) *Thomas Walsingham Hist. Angl. p. 14.*

(x) The year following, Anno 1289. King *Edward* taking upon him the character of the Crosse at *Blankeford* in *Gascoigne*, presently banished all the Jews out of *Gascoigne*,

(x) *Th. Walsingham, Hist. Angl. p. 15.*

coigne, and all other his Lands, which he possessed in the Realm of *France*, AS ENEMIES OF THE CROSSE. From whence returning into *England*, Anno 1290. he was joyfully received at *London*, both by the Clergy and all the people; and the same year exiling the Jews likewise out of *England*, giving them expences into *France*, he confiscated all the rest of their goods; together with their Lands and Houses, and in 19& 20 *E.* 1. he made several Gifts of the Jews Houses and Lands to others: as appears by the *Patent Rolls* in the Tower of *London*.

Upon what grounds, by what Authority, for what time, in what manner, with what desire of, and content to all the whole Commons and Realm of *England*, the Jewes were then banished thence, these ensuing Historians will at large relate, in their own words, which I shall transcribe for the better information and satisfaction of all sorts of men, whether Christians or Jews.

(y) *Flores Hist. par. 2. ann. 1290. p. 381.*

(y) *Matthew Westminster* (flourishing at that time) gives this relation of it. *About these days, namely the* 31 *of* August, *the exasperating multitude of* Jews, *which dwelt confidently in times past through divers Cities & strong Forts,* JUSSA EST, *was commanded with their wives & children, together with their moveable goods, to depart out of* England, *about the Feast of* All Saints, which was assigned to them for the term, WHICH THEY DARED NOT TO TRANSGRESSE UNDER PAIN OF HANGING, whose number *was supposed to be* 16511. *Such* A DECREE *had issued out before from the laudable King of* England *in the parts of* Aquitain, *from whence all the Jews were likewise banished.*

(z) *Ypodigma Neustriæ, p. 62.*

(z) *Thomas Walsingham*, living near that age, thus records it. *The King returning out of* Gascoigne *to* London, *was solemnly received by the Clergy and all the people: who the same year banishing all the Jews out of* Eugland *giving them their expences into* France, *confiscated the rest of their goods. This year the King held* A Parliament, *in which were made the Statutes called* Westminster the 3d. In quo etiam Parliamento pro expulsione Judæorum.

concessa sunt Regi a Populo, quinta decima pars bonorum. *In which Parliament likewise for the banishment of the Jews, there was granted to the King by the People, a fifteenth part of their goods.*

(a) *Henry de Knyghton* a Canon of *Leicester*, a most diligent Antiquary flourishing in *Richard* the 2ds. reign, rendreth it in these terms: *King* Edward *grievously punished the Jews and their consorts for clipping of money, and corrupt exchanges, whereupon in one day he caused all the Iews to be apprehended: some he hanged, the rest he banished. When he had done his will upon his corrupt Judges* (fined, deposed, and some of them banished in the same Parliament that the Jews were exiled) *presently another cause moved him concerning his money, which he found to be basely clipped and corrupted, to the prejudice of the Crowne, and the great damage of the people,* **By the Infidelity and Malice of the Jews** as it was **inquired and found** (or found upon inquiry) *et fecit statuere* **unum Parliamentum, in quo convicti sunt Judæi de ea falsitate: Et statuit, quod omnes Judæos exirent de Terra Angliæ, deinceps non redituri, propter eorum incredulitatem principaliter, et propter falsitatem quam eis dure imposuerat: et pro hac causa cum festinatione faciendo, et sine dilatione explenda, communes regni dederunt Regi quintum denarium de omnibus bonis suis mobilibus.** *And he caused a Parliament to be summoned, wherein the Jews are convicted of that falshood; And he ordained that all the Jews should depart out of the Realm of* England, **not to return again afterwards,** *for their incredulity principally, and for their falsenesse, which he had hardly pressed upon them. And for this* (their banishment) *speedily to be made and executed, without delay, the Commons of the Realm gave to the King the fifth part of all their moveable goods.*

(a) *De Eventibus Angliæ, l. 3. c. 1. col. 2462 2466.*

(b) *John Major*, and the (c) *Centuriators* of *Magdeburgh*, out of him, thus register it to posterity. *In the year* 1290. **Judæi Angliæ pulsi sunt**, *the Jews were banished out of* England, *for the Englishmen had made a great complaint to* Edward *the* 1. *that by their usuries and frauds most*

(d) *Histor. Majoris Brit. l. 4. c. 9.* (c) *Cent: Mag: 13. c. 15. col. 1286.*

most men of the inferior sort were reduced to nothing: which thing was gainfull to the King, for every of the Commoners gave the King the fifteenth penny, **ut Judæos ejiceret**, that he might banish the Jews.

(d) *Centur.* 4 *Scrip. Brit. c.* 60. *in* Appendice.
(e) *Lib.* 17. *Ed.* 1.
(f) *Cent. Mag.* 13c. 9. *col.* 967. *c.* 13. *col.* 1284.

Our learned [*d*] *John Bale* [*e*] *Polydor Virgil*, and the [*f*] *Century Writers* out of him thus expresse it. *Anno Dom.* 1291 (it should be 1290) **In the Parliament at London**, *there was a debate in the first place* **de Judæorum ejectione, Concerning the banishing of the Jews**; *whereof there was a great multitude throughout* England, **Sed Edicto publico Concilii Londinensis** (writes one) **Publico igitur Decreto jussi sunt alio commigrare,** *or* **ut intra paucos dies omnes exirent**; (saith another) *But by the publick Edict of the Parliament assembled in* London, *and by a publike* **decree, They were all commanded to depart the Realm with their goods within a few days**, *which they,* **Concilii jussis obedientes**, *obeying the commands of the Parliament, speedily did.*

Thomas Stubs his *Acta Pontificum Eboracensium* c. 1728 thus relates *the universal banishment of them out of all* England *in one day, Anno Dom.* 1290. *In crastino animarum* **Exulati fuerunt Judæi a Regno Angliæ**, *et hoc eodem die per totam Angliam. Raphael Volaterranus*, Geograph. lib. 3. f. 25. thus expresseth it: *Judæi omnes* **expulsi**: *Annales Dominicanorum Colmariensium*, thus relate it; Anno 1291. *Rex Angliæ omnes Judæos Regno* **expulit.** *Gilbertus Genebrardus*, Chronogr. l. 4. p. 659. thus records it, Anno 1291. *Concilium* Londinense *ad* Westmonasterium *jussu* Edwardi Regis: *Eo in Concilio* **Publico Edicto jussi sunt Judæi de Anglia in perpetuum exire,** words most expres. *Abraham Bzovius* thus: Annal. Ecclesiasticorum, Tom. 13. Anno 1291. n. 1. col. 966. * Londini *ad* Westmonasterium *celebratum est Concilium. In hoc imprimis agitatum est* **De ejectione Judæorum**, *quorum erat per omnem* Angliam *ingens multitudo; quo sic oves ab hœdis segregarentur. Itaque* **Publico jussum est Edicto** *ut intra paucos dies omnes abierint cum bonis.* **illi jussis Concilii parentes**, *alii alio discesserunt. Ita profuga Gens de*

* *Ex* Polydoro *l.* 19. *&* Manuel *Vaticano* 1526 *de Rebus Anglicæ.*

Anglia,

Anglia, **in perpetuum exivit**: *misera semper alicubi terrarum peregrina, usque eo dum denique deleatur.* But I shall pass from Latin to our more common *English* Historians.

Fabian, in his Chronicle, part 7. p. 133. Mr. *John Fox* in his Acts and Monuments, *Lond.* 1640. Vol. 1. p. 443. and *Richard Grafton* in his Chronicle, p. 169. thus report it, in the same words almost. *This year also* 1290. *all the Iews were utterly banished the Realm of* England, *for the which the Commons gave he King a fifteenth.*

Nicholas Trivet, *Polychronicon*, *l.* 7. *c.* 38. and *William Caxton*, in his Chronicles, printed 1502. in the life of K. *Edward* the 1. thus stories the Jews banishment, out of *Hygden* and *Trevisa*, in their words; *Anone after the King had done his will of the Iustices, tho lete he inquere and espye how the Iews dysceyved and beguyled his people, thorough the synne of falseness*, and of usury. And **lete Ordain a Prevy Parlement among his Lords: So they ordainned among theim, That all Iewes should void out of Englande for their Mysbyleve, and also for their false Usury that they did unto Crysten Men.** *And for to speed and make an end of this thing.* **All the Comynalte of Englonde gave unto the King the XV. Penny of all theyr Goodes mevable**: *and so were the Iewes driven out of Englonde. And tho went the Iews into France, and there they dwellyd, through leve of Kyng Phylip that tho was Kyng of France.* Raphael Holinshed *in his Chronicles out of them*, Vol. 3. p. 285. *thus publisheth it.* "In the same year was "a Parliament holden at *Westminster*, wherein the Sta- "tutes of *Westminster the* 3d. were ordained. It was "also *DECREED*, That all the Jews should avoid out of "the Land; in consideration whereof, a fifteenth was "granted to the King: and so hereupon were the Jews "banished out of all the Kings Dominions: and **never "since could they obtain any privilege to return hither again.** "All their goods not moveable were confisca- "ted, with their tailles and obligations; but all their "goods that were moveable, together with their coyn "of gold and silver, the King licensed them to have and

"con-

* See Cooks Inſtit. p. 508.

2. "convey with them. * A ſort of the richeſt of them be-
"ing ſhipped with their Treaſure in a mighty tall ſhip,
"which they had hired, when the ſame was under ſail,
"and got down the *Thames* towards the mouth of the
"River beyond *Quinborow*. The Maſter Mariner be-
"thought him of a wile: and cauſed his men to caſt an-
"chor, and ſo rode at the ſame till the ſhip by ebbing of
"the ſtream remained on the dry ſands. The Maſter
"herewith inticed the Jewes to walke out with him
"on land for recreation: and at length, when he under-
"ſtood the tyde to be comming in, he got him back to
"the ſhip, whither he was drawn by a cord. The Jews
"made not ſo much haſt as he did, becauſe they were not
"ware of the danger. But when they perceived how
"the matter ſtood, they cryed to him for help, How be-
"it he told them, that they ought to cry rather unto
"*Moſes*, by whoſe conduct their Fathers paſſed through
"the red Sea, and therefore if they would call to him for
"help, he was able enough to help them out of theſe ra-
"ging flouds, which now came in upon them: They
"cryed indeed, but no ſuccour appeared, and ſo they
"were ſwallowed up in the water. The Maſter return-
"ed with the ſhip, and told the King how he had uſed
"the matter, and had both thanks and reward, as ſome
"have written. But (*g*) others affirm, (and more truly
"as ſhould ſeem) that divers of thoſe Marriners which
"dealt ſo wickedly againſt the Jews, were hanged for
"their wicked practiſe, and ſo received a juſt reward of
"their fraudulent and miſchievous dealing. *In Capitula Itineris*, in *Totles* Magna Charta, f. 151. made in *Edward* the firſt his reign. *There* is one chapter of Inquiry: *De catallis Judæorum occiſorum, et eorum chartis & vadiis, & qui ea habeant*, (taken out of the Eyre of *Rich.* the 1. forecited) which relates to theſe Jewes thus drowned and ſlain, as I conceive, ſince I read of no other maſſacre of them, near that time.

[g] *Chron. Dunſtap: Cooks Inſtit. p. 508.*

John Stow in his *Annals*, p. 204. and *Survey of London*, p. 289. writes thus of it; *King* Edward *baniſhed all the*

Iews

Iews out of England, giving them to bear their charges till they were out of the Realm. The number of the Iews then expelled, was fifteen thousand and sixty persons, whose houses being sold, the King received an infinite masse of money.

John Speed in his History of *Great Britain*, p. 545 thus varieth the expression of it. *King* Edward *Anno* 1290. *to purge* England *from such corruptions and oppressions as under which it groaned, not neglecting therein his particular gain, banished the Iews out of the Realm, confiscating all their goods, leaving them nothing but money to bear their charges, they by their cruel Usuries* **having eaten his People to the bones.**

To passe by *Heylins Microcosm*, p. 570. *Henry Isaacsons Chronology*, Anno 1290. Sir *Rich. Baker* his *Chronicle of the Kings of* England, p. 146, 147. with * others, who mention this their *final banishment out of* England, I shall conclude with the words of *Samuel Daniel* his History, p. 160. "*Of* **no lesse grievance** (than corrupt Judges, then "fined, displaced, banished) this King eased his people, "by the banishment of the Jews, for which the kingdom "willingly granted him a fifteenth, **having before** [*in "Anno Regis 9.*] **offered a fifth part of their goods to have "them expelled.** But then the Jews gave more, and so "stayed till this time; which brought him a great benefit "by confiscation of their immoveables, with their Tal-"lies, and Obligations, which amounted to an infinite "value. But now hath he made his last commodity of "this miserable people, which having never been under "other cover, but the will of the Prince, had continually "served the turn in all the necessary occasions of his Pre-"decessors, but especially of his Father and himself.

* See Purchas Pilgrimage. l. 2. c. 16. Sect. 7. p. 171.

Sir *Edward Cook* in his 2 Institutes, p. 506, 507, 508. in his Commentary upon *Statutum de Judaismo* forecited, seems to contradict these forecited Historians touching their banishment, whose words I shall at large rehearse, and refute too in this particular. *This Statute was made* [writes he] *in the Parliament of* 18 *Ed.* 1. *That the mischiefs before this Statute, against Jewish Usury, were these.*

1. *The evils and disherisons of the good men of the land.* 2. *That many of the sins and offences of the Realm, had risen, and been committed by reason thereof, to the great dishonour of Almighty God.* (And are not these two sufficient grounds to keep them out now, as well as to restrain and banish them then?) *The difficulty* (adds he) *was how to apply a remedy, considering what great yearly revenue the King had by the Usury of the Iews, and how necessary it was, that the King should be supplyed with Treasure.* What * benefit the Crown had, before the making of this Act, appeareth by former records, as take (*h*) one for many. *From the* 17 *of December in the* 50 *year of H.* 3. *until the* Tuesday *in* Shrovetide, *the* 2 *year of* Edward *the first, which was about* 7 *years, the Crown had four hundred and twenty thousand pounds, fifteen shillings and four pence* De exitibus Judaismi: at which time, *the ounce of silver was* 20 *d. and now it is more than treble so much. So as the recital of the Preamble is true,* That he and his Ancestors had received great profit from Iudaism. (*i*) *Many provisions were made both by this King and others: Some time they were banished, but their cruel usury continued, and soon after they returned; and for respect of lucre and gain, King* John *in the second year of his reign, granted unto them large Privileges, whereby the mischiefs rehearsed in this Act multiplyed. But the lucre and gain which King* John *had, and expected of the Infidel Iews, made him* **impie judaisare**: *for to the end they should exercise the Laws of their Sacrifices* (*which they could not do without a Priesthood*) *the King by his Charter granted them to have one, &c. Which for the great rarity thereof, and for that we find it not either in our Books or Histories, I will rehearse* In hæc verba.

* *See Cooks* 2. *Institit. p.* 89.

[*h*] *Rot. Pat. Anno* 3 *E.* 1. *m.* 14. 17. 20. *William Middleton reddit sompot.*

(*i*) *Temp. R. Joh. Ro. Char.* 2. *Jo. n.* 49. 53. 18. *H.* 3. *Dors. Claus. m.* 27. *Dors. Pat.* 55. *H.* 3. *m.* 10.

[*k*] Rex omnibus fidelibus suis, & omnibus & Judæis & Anglis, salutem. Sciatis nos concessisse, Jacobo Judæo de Londoniis Presbytero, Judæorum Presbyteratum omnium Judæorum totius Angliæ. Habendum & tenendum quamdiu vixerit, liberè & quietè & honorificè & integrè; ita quod nemo ei super hoc molestiam aliquam, aut gravamen inferre presumat. Quare volumus & firmiter præ-

(*k*) *Rot. Char.* 1 *Regis Johan. part.* 1 *m.* 28. *Char.* 171.

præcipimus, quod eidem Jacobo quoad vixerit, Presbyteratum Judæorum per totam Angliam, garanteti, manu-teneatis, & pacificè defendatis. Et si quis ei super eo forisfacere præsumpserit, id ei sine dilatione (salva nobis emenda nostra) de forisfactura nostra emendare faciatis, tanquam Dominico Judæo nostro, quem specialiter in servicio nostro retinuimus. Prohibemus etiam ne de aliquo ad se pertinente ponatur in placitum, nisi coram nobis, aut coram capitali Justiciario nostro, sicut Charta Regis Richardi fratris nostri testatur. Teste S. Bathonien. Episcopo, &c. Dat. per manus Huberti Cantuarien sis Archiepiscopi Cancellarii nostri apud Rothomagum 12 die Julii, Anno Regni nostri primo.

To which Charter Sir *Edward Cook* annexeth this marginal Note, *This King had a most troublesom and dishonourable reign, God raising against him,* **for his just punishment,** *two potent Enemies,* Pope Innocent *the* 3. *and* Philip *King of* France, *And besides, which was the worst, he lost the heart and love of his Baronage and Subjects, and at the last had a fearfull end.*

He adds (*l*) *Our Noble King* Edward 1. *and his Father* H. 3. *before, sought by divers Acts and Ordinances, to use some means and moderation herein, but in the end it was found, That there was no mean in mischief, and as* Seneca, *saith,* Res profecto stulta est nequitiæ modus (And will it not be so now in their new limited re-admission, if consented too?) *And therefore King Ed.* 1. *as this Act saith,* for the honour of God, and for the common profit of his people, *without all respect (in respect of these) of the filling of his own Coffers, did ordain,* That no Jew from thenceforth should make any bargain or contract for usury, nor upon any former contract should take any usury, from the Feast of St. *Edward* then last past. *So in effect all Jewish Usury was forbidden: This Law struck at the root of this pestilential weed, for hereby usury it self was forbidden, and thereupon the cruel Jews thirsting after rich gain, to the number of* 15060 *departed out of this Realm into forraign parts, where they might use their Jewish trade of usury,*

(i) *Rot.* 2. *E.* 1. *m.* 1. 3. 5. *Rot. Claus.* 3. *E.* 1. *m.* 8. 10 13. 16. 23. *Rot. Pat.* 3 *E.* 1. *m.* 36. *and* 17. *Dors. Claus.* 7 *E.* 1. *m.* 6.

is very improbable they would in 18 *E.* 1. (full 15 years after this Statute) voluntarily baniſh themſelves only becauſe their Uſury was ſo long before exiled by it. 5. All the forecited Hiſtorians of thoſe and of later times (who are more to be credited then Sir *Edward Cookes* ſingular, groundleſs opinion) unanimouſly record, *that the Iews were all judicially, really expelled & baniſhed the Realm* in 18 *E.* 1. *both by the King and Parliament, and that principally for their* **Infidelity** *not Uſury*, and other *fore-alleged reaſons; and commanded under pain of hanging by a ſpecial Decree and Edict to depart hence by a prefixed day: for the effecting and haſtning whereof, the Commons gave the King a fifteenth.* Therefore they were all preciſely baniſhed by the King and Parliament, not by themſelves alone. 6. The King then baniſhed them out of *England* upon the ſame grounds, and in the ſelf-ſame manner, as he had newly baniſhed them the year before out of *Gaſcoigne*, and all his Dominions in *France*, as *Matthew Weſtminſter*, *Walſingham*, and others record. But then and there he baniſhed their perſons by an expreſs Decree, not only for *their Uſury*, but chiefly *for their Infidelity and Enmity to Chriſts Croſs.* Therefore he did the like in *England.* 7ly, All Uſury in all perſons whatſoever, was ſtrictly prohibited, and quite baniſhed out of *England*, long before this Statute *De Judaiſmo*, which was but a meer confirmation of former Lawes with particular relation to the Jews: not an introduction of any new Law: The clearing whereof (not impertinent to my Theam againſt Jewiſh Uſurers) will moſt fully diſcover Sir *Edward Cooks* miſtake to the very meaneſt capacity. The famous

* *Spelmanni Concil. p. 299.*

* Council of *Calchuth*, Anno Dom. 787. under King *Alfwood*, and King *Offa*, condemned all uſury in theſe terms, c. 17. *Uſuras quoque prohibemus, dicente Domino ad David, dignum fore habitatorem Tabernaculi ſui qui pecuniam ſuam non dederit ad Uſuram, &c.* After which King *Edward* the Confeſſor enacted this Law againſt Uſury about the Year, 1050. ratified by *William* the Conquerour in the fourth year of his reign.

* *Uſu-*

* *Usurarios quoque defendit rex Edwardus, Ne* **remaneret aliquis in toto regno**, *&c. & si quis inde convictus esset, qui fœnus exigere*, **omni substantia propria careret & pro Exlege haberetur.** *Hoc autem asserebat ille Rex se audisse in Curia Regis Francorum dum ibidem moraretur, quod Usura summa radix est omnium vitiorum.* This Law precisely banished all Usurers, with their Usury out of *England*, and confiscateth all their goods to the King as Outlaws upon conviction. If therefore there had been any Jewish Usurers in *England* in *St. Edwards* reign (as the spurious Law just before it in *Spelman* & *Hoveden* * forecited pretends) they had all been expresly banished the land by this Law, and never permitted to reside therein, above 270 years before the Stat. *de Judaismo* was enacted. In * the Council of *London* Anno 1128. 25 H. 1 and in the *Council of Westminster* Anno 1138. the 3 of King *Stephens* reign; *All usury was prohibited under pain of deprivation both from Office and Benefice in Clergy men.* By virtue of which laws and Canons all the goods of Usurers became forfeited to our Kings after their deaths, & they excõmunicated persons. This is evident by the words of *Ranulp. de Glanvil*, a famous Lawyer under King *Henry* the 2. *De legibus & consuetudinibus Regni Angliæ* lib. 7. c. 16. where thus he writes. *Usurarii verò omnes res, sive testatus, sive intestatus decesserit,* DOMINI REGIS SUNT. *Vivus autem non solet aliquis de crimine usuræ appellari nec convinci. Sed inter cæteras Regias Inquisitiones solet inquiri & probari, aliquem in tali crimine decessisse, per duodecim legales homines de vicineto, & per eorum Sacramentum. Quo probato in Curia, omnes res mobiles, and omnia catalla quæ fuerunt ipsius usurarii mortui,* **Ad usus domini Regis capientur penes Quemcunque inventantur res illæ:** *Hæres quoque ipsius hac eadem de causa exhæredatur, secundum jus regni, & ad Dominũ vel Dominos revertetur hæreditas. Sciendum tamen, quod si quis aliquo tempore Usurarius fuerit in vita sua, & super hoc in patria publice defamatus, si tamen a delicto ipso ante mortem suam destituit, & pœnitentiam egerit, post mortem ipsius, ille vel res ejus lege Usurarii minime censebuntur; Oportet er-*

* *Hoveden Annalium pars posterior p. 609 Lambardi Archaion. Spelmani Concil. p. 623.*

* *Here p. 3.*

* *Simeon Dunelmensis Hist. de gestis Regum Angl. col. 254. and Richardus Prior Hagustaldensis de gestis Regis Stephani col. 327.*

go constare, quod usurarius decesserit aliquis ad hoc, ut de eo tanquam de usurario, post mortem ipsius judicetur, & de rebus ipsius tanquam de rebus usurarii disponatur; which he likewise affirms for Law in that age, *lib.* 10. *c.* 3. 8. Therefore usury in that and former ages, was equally prohibited to all, as well * Jews as English, under pain of forfeiture of all their real and personal estates to the King, and their inheritances to the Lords, in case they died usurers. And if the Jews had not been within the compass of these Laws, but might have freely exercised usury when the English could not, they had been in this respect in far better condition than the native English; when as the forecited law concerning them resolves us, * *Judæi & omnia sua Regis sunt*, both in this Kings reign and before upon this account amongst others, because they were *known Usurers*. This Law continued still the same in succeeding ages, as is most apparent by * *Capitula placitorum Curiæ Regis* made, and to be inquired of by the *Justices itinerant*, in the 6 year of King *Richard* the 1. Anno 1194. wherein I find this Article. *Item de* **Fœneratoribus**, *& eorum catallis qui mortui sunt*: which is general, extending equally to all Usurers, whether English or Jews, Christians or Infidels. But in the * *Capitula Placitorum Coronæ Regis* in the 10 year of this King *Richard*, Anno 1198, it was thus varied, and confined only to Christian Usurers; *Inquirendum est* (by the Justices itinerant, then appointed in each County) *etiam de* **usuris Christianorum**, *& eorum Catallis qui mortui sunt*. Perchance to put a difference between the Jews, whose goods the King claimed as his own whiles living, and the English Usurers who forfeited not their estates for usury, till after their deaths & not unless they died usurers without publike repentance therof before their death. This form of Inquisition continued both before and after the Statute *de Judaismo*, as is evident by *Capitula itineris*, used in the reigns of *Henry* the 3. and *Ed.* 1. *De Christianis usurariis, qui fuerunt, & quæ catalla habent, & qui catalla illa habuerant? De catallis Judæorum occisorum, & eorum chartis & vadiis, & qui ea habeant.* King

* See here p. 23.

* Hoven Annal. Pars Posterior p. 604. Spelmani concil. p. 623. here p. 3. 13.

* Roger de Hoveden Annal, pars posterior p. 744.

* Hoveden p. 783.

* Tottles Mag. Chart. f. 151.

Henry

Henry the 3 *rot. finium* 29. *H.* 3. *m.* 8. *De catallis quæ fuerunt cujusdam fœneratoirs*: seised the Charters of a certain Usurer, as confiscated by Law unto him; the Statute of *Merton* c. 5. in the 20 year of his reign, *provided and granted*; *That usuries should not run against any, being within age, from the time of the death of his Ancestors, whose heir he is unto his lawfull age, &c. So nevertheless that the payment of the principle debt, with the payment of the usury, that was before the death of the Ancestor, whose heir he is, shall not remain.* On which Statute St. *Edward Cook* himself thus Coments. *This Statute hath been diversly expounded* (*some expounding it only of* Nomine pœnæ *and doubling the rent upon Leases, Bonds and Recognizances,* others literally) *That the Statute* **extended to the usurious Jews** *that then were in* England, *for at that time, and* before the Conquest also, it was not lawfull for Christians* (he might have added, nor yet for Jews) *to take any usury, as it appeareth by the Laws of St.* Edward, *&c.* and *Glanvil, and other ancient Authors and Records: And by this Act it was manifest, that the usury intended by the Statute was not unlawfull, for the usury before the death of the Ancestor is enacted to be paid, and after the full age of the heir also. And no usury was permitted but by the Jews only. But King* Edw. *the* 1. (That mirror of Princes) *By authority of Parliament made this Law, which is worthy to be written in letters of gold.* Forasmuch, *&c. That no Jew should take any usury, &c.* As if usury (in his opinion) had been lawfull for Jews, before the Statute *de Judaismo*, when it was equally prohibited to Jews and Christians, though not to make to contract or usury meerly void, *except only against Infants during their minority*, yet to make both their chatels goods and estates liable to confiscation to the King after their deaths, or before, as the premises undeniably evidence. So that the Statute *de Judaismo* prohibiting usury to the Jews, was no introduction of any new Law, as to the unlawfullnesse and penalty of usury it self in the Jews, no more than in Christians, (to whom *Rastal* equally extends it. *Usury* 2,) but only in respect of the legal means for recove-

* *Inter leges sancti Edw. Lamb. Si quis de usura convictus Glanv. l.* 7. *c.* 16. *Ockham qualiter non absolvitur Cap. Itineris de Christianis usurariis.*

vering the use upon usurious contracts, *Usury it self being even reputed absolutely unlawfull by Gods Lawes and ours.*

Hence I find Rot. claus. 36 *H.* 3. m 21. A Prohibition by writ to all forain Merchants within the Realme, **Quod nil capiant ad Usuram**: and if they do, *Omnia mobilia & immobilia eorum cedant ad usum Regis*, all their goods movable and immovable, shall be confiscated to the Kings use: Rot. claus. 2. *E* 1. *m.* 1. *De Mercatoribus Usurariis*, commands all Merchants *that were Usurers to depart the Realm*, the year before the Stat. *de Iudaismo* made. And in the Patent Roll of 5 *E* 1. Dors. 26. There is an Inquisition *De Usurariis seu Christianis Judaizantibus, ut de eis fiat justitia secundum legem terræ*: which punished them by fines and loss of Goods in the Temporal Courts, and by Ecclesiastical censures in the Spiritual Courts, as is clear by *Placita.* 18 *H.* 3. rot. 36. and all Canonists in their Titles *De Usura*; which is further evident by these Records & Statutes made since the Statute *De Iudaismo*, by 15 *E.* 3. rot. Parl. n. 24. 32. 21. *E.* 3. rot. Parl. n. 49. 50. *E.* 3. rot. Parl. n. 47. 6 R. 2. rot. Parl. n. 57. 14 R. 2. rot Parl. n. 23. 5 H. 4. rot. Parl. n. 68. 15. *E.* 3. c. 5. 3 *H.* 7. c. 5, 6. 11 *H.* 7. c. 8. 37 *H.* 8. c. 9. 5 & *E.* 6. c. 20. 23 *Eliz.* c. 8. 39 *Eliz.* c. 18. 21. *Iac.* c. 17. Therefore the banishing of Usury by this Law, thus condemned, prohibited in all former ages, could no wayes move the Jews voluntarily to banish themselves hence, no more than all other *English* and *Italian Usurers*, but some new special Act for their final expulsion. 8ly, It cannot be proved, or imagined, that all the Jews then in *England* were Usurers, though the most and wealthiest of them were such. And it is very improbable that all the Jews throughout *England* with one consent should agree to banish themselves voluntarily out of *England*, where they were born and lived so long, and that on the same day, because the Usury of some of them was there prohibited, without any Law for their banishment. 9ly, The* *Iews* by several Laws, Canons were expresly prohibited *Usury elsewhere in that age, which they are totally*

* See Claudius Salmasius, De Usuris.

* Concil. Later. sub Innocentio 3. Surius, Tom. 3. p. 753. Extrav. de usuris. c. 18. Volaterranus, lib. 2. Geogr. Cent. Magd. 13. c. 15. 1285. Munsteri Cosm. l. 4. c. 12. 22. 23 f. 1061, 1062. Jacobus de Graffiis Decis. Aur. Tom. 2. l. 2. c. 23. sect. 30. & 6. c. 24.

by

ly forbidden to use of late years, and now in *Lithuania*, *Russia*, *Poland*, and some other places where they reside, living only by * Merchandize, Husbandry, and Manufactures. Yea *Menasseh Ben-Israel* himself in his *Humble Addresses* newly printed, p. 22. 23. writes thus: *As for* Usury, *such dealing is not the essential property of the Jews; for though in* Germany *there be some indeed that practise it, yet* **the most part of them** *that live in* Turky, Italy, Holland, *and* Hamburgh, *being come out of* Spaigne, *they* hold it * **infamous to use it.** Therfore the bare suppression of their Usury in *England* by this *Statute* would no more induce them to banish themselves voluntarily out of *England*, and leave all their houses, morgages, houshold-stuff, amounting to a vast summ, to the King, than out of other Countries where their usury was restrained, then & since, seeing they might live as well without Vsury in *England*, by their Merchandizes, Husbandry, and Manufactures, as in any other Climate. 10ly, Sir *Edward Cooke* himself contradicts himself herein, not only in his 4th *Institutes*, p. 254. where writing of *The Court of the Justices assigned for the Government of the Jews*; he saith, *But when the* **Jews were utterly banished** (as hath been said) *this Court ceased with them*, in 18 *E.* 1. Anno Dom, 1290. (misprinted 1293.) but likewise in this very Chapter, his own subseqvent words and Records in direct terms contradicting this opinion of his no less than 5 times, which I wonder he observed not; I shall recite them at large to undeceive his over-credulous Readers of the long Robe, who take his words and works for Oracles (though in many things very full of gross mistakes contradicted by his own Records, he cites, specially in his Chapter of * *Parliament* and *Admiralty*.)

(*n*) *And for that* [writes he] *they were odious both to God and Men, that they might pass out of the Realm in safety, they made Petition to the King, that a certain day might be prefixed to them to depart the Realm* [it was prefixed by the King and Parliament against their wills] *to the end that they might have the Kings writ to his Sheriffs for their*

* *See Purchas Pilgrims l. 9. c. 5.*

* *See Mr. Selden, De Jure Nat. & Gentiū juxta Discipl. Ebræorum, l. 6. c. 9, 20. p. 723.*

* *See my Levellers levelled and Plea for the Lords.*

(*n*) 2 *Instit. p.* 507.

safe conduct, and that no injury, molestation, damage or greivance be offered to them in the mean time, (for which perchance they did petition, though not for their departure hence.) *One of which Writs we will transcribe.*

[o] *Rot. claus. 18 E. 1. m. 6. 11 Julii. The like writs, to other Counties, and intituled, De Judæis Regno Angliæ exeuntibus.*

[o] *Rex, Vic: G.* Cum Judæis Regni nostri universis **Certum tempus præfixerimus a regno illo transfretandi:** (*therefore prefixed by the King himself, without their Petition, and that for the banishment of them all out of the Realm.*) Nolentes quod ipsi per ministros nostros, aut alios quoscunque, aliter quam fieri consuevit, indebite pertractentur: Tibi præcipimus, quod per totam Ballivam tuam, publice proclamari, & firmiter inhiberi facias, ne quis eis intra terminum prædictum, injuriam, molestiam, damnum inferat, seu gravamen. Et cum contingat ipsos cum catallis suis, quæ eis concessimus, versus partes London, causa transfretationis suæ, dirigere gressus suos, salvum & securum conductum eis habere facias sumptibus eorum. Proviso, quod Judæi prædicti, ante recessum suum, Vadia Christianorum quæ penes se habent, illis quorum fuerint, si ea acquietare voluerint, restituant, ut tenentur: Teste Rege apud Westmin. 18. die Julii, Anno 18 E. 1.

[p] Parl. 1. 3. E. 1.

* See p. 33. to 41.

This Statute De Judaismo, *was made at the* [p] *Parl.* post festum Hilarii, Anno 18 E. 1. (a *gross mistake.) *At which Parliament the King had a 15 granted to him,* **pro expulsione Judæorum** [Therefore by his own confession they were *expelled*, banished by the King and Parlament against their wills, and a fifteenth given for it, as the former Historians note] *And this writ was granted in July following* [in pursute therefore of their Judgement of banishment, not upon their petition] *the King beginning his reign* Novemb. 16. *For the* Parliament *knew* [a strange conceit of a Judge, for how could they certainly know it?] *that by banishing of Usury* [though they banished it only, not the Jews:] *the Jews would not remain. And thus this Noble King by this means* **banished for ever these infidel**

infidel usurious Jews [Ergo, their persons, not their Usury only] *the number of which Jews* **thus banished**, *was fifteen thousand and three score.*

[q] *We will here adde a* (*Parliament*) *Record* de **Priore** de Bridlington; *thus.*

[q] Plac. Parl. post Paschæ apud London, 21 E. 1. rot. 4.

Et quod prædictus Prior cognoscit, quod prædicta pecunia præd. Judæo debebatur, viz. 3 col. nec ei solvebatur **Ante exilium Judæorum** (*therefore by this Parliamentary record but* 3 *years after, they were judicially banished by Parliament, not voluntarily of themselves, no banishment in Law.*) Et quicquid remansit eorum, debitis aut catallis in regno **post eorum Exilium**, (*again repeated, as most certain*) Domino regis fuit. Consideratum est, quod Dom. Rex recuperet pecuniam prædictam: & dictum est eidem Priori, quod non exeat Villa antequam Domino Regi de prædicta pecunia satisfaciat: Et respondeat Johannes Archiepiscopus Eborum, quia præcepit dicto Priori solvere Valetto suo prædictam pecuniam in deceptionem Regis, contra Sacramentum & fidelitatem suam Domino Regi datam. Idem in alio Rot. Ann. 22 E. 1. rot. 5.

Therefore by these 3 recotds resolutions cited by himself, the Jews were all banished by sentence of Parliament, in such sort as our Historians record, and not in his New sence alone, amounting but to a *voluntary Recess*. And to put this beyond all future doubt or controversie, though the particular *Act* and *Parliament Roll* for their *Banishment* be utterly lost, for ought I can find upon diligent search and inquiry after it, as are all other *Parliament Rolls* during this Kings reign; yet there is a particular Roll still extant in the Tower, of the particular sales of all the Jews Houses and Lands in *London*, *Yorke*, *Canterbury*, *Northampton*, and all other places of *England* where they resided, made by King *Edward* the 1. in the 19 and 20 years of his reign, (the next years after their exile) reciting, *they were all escheated into the Kings hands*

By the Jews banishment out of England, which Roll was thus indorsed in that age: *Charta de Judaismo, Patentes de domibus Judæorum concessis* **post eorum exilium de Anglia**, *Annis* 19, & 20. *E.* 1. The fifth Charter mentioned in the Roll of 19 E. 1. conteins this Kings Grant of the House of one *Leo* a Jew, in St. *Martins* Parish in *London*. *Domus Leonis, filii Cusæ, filii Eliæ Judæi, de Parochia Sancti Martini, &c.* **per Exilium ejusdem Judæi e Regno nostro tanquam escheata in manu nostra existentis.** After which follow near one hundred other several charters of other particular Jews houses to particular Englishmen the same year, in the self-same Roll, *as escheated to the King*, **per Exilium ejusdem Judæi.** After these, in the same Roll, follow several other Patents of this King of the Jews houses, made in the 20 year of his reign, the first whereof is this Kings grant, *Domus Benedicti Judæi*, **per Exilium ejusdem Judæi et Regno nostro**, *tanquam escheata nostra, in manu nostra existentis.* After which follow several other Charters of other Jews Houses in the self same form. So that by the testimony of all these Charters and Records, & likewise of the Patent Roll of 19 E. 1. granting *all the profits of the Jews houses* * **a tempore Exilii** *eorundem*, to charitable uses (the two very next years after their exile) the Jews were all immediatly and legally **banished out of England** against their wills, and all their houses thereupon escheated into the Kings hands, who upon this Title, made sales of them to Englishmen, recited in all their Charters, the Rolls whereof I have lately perused in the Tower, where all who please may examine them for their satisfaction herein.

* *Twice repeated: See the 2 part of the Demurrer.*

By all these concurrent irrefragable Records and Testimonies it is apparent [against Sir *Edward Cooks* grounlesse conceit.]

1. That all the Jews were then banished out of *England*, never to return again, at the special instance and request of the Commons in two several Parliaments, as an intollerable grievance and oppression under which they then groaned.

2. That

2. That the principle grounds of this their perpetual banishment were, their Infidelity, Usury, Forgeries of Charters, clipping and falsifying of monies, by which they prejudiced the King and Kingdom, and much oppressed and impoverished the people.

3. That this their banishment was so acceptable to all the people, who oft-times pressed it in Parliament, that they gave the King a Fifth and Fifteenth part of their moveables, to speed and execute it.

4. That this their banishment was by the *unanimous desire, judgement, edict and decree both of the King and his Parliament, and not by the King alone:* and this Banishment, totall of them all, and likewise final, *Never to return into England.* Which Edict and Decree, though not now extant in our Parliament Rolls (many of which are utterly lost) nor in our printed Statutes, yet it is mentioned by all these Authorities and Records.

From whence I shall inferre and conclude: That as by the fundamental Laws of *England*: *No Freeman and Natives of* England *can be justly banished or exiled out of it, but by special judgement of Parliament, or by act of Parliament,* (*as well as by the ancient Romans, Athenians, and Syracusians Laws,* * *no Citizen of Rome, Athens, Syracuse could be banished his City or Country, but by the lawfull judgement of the Senat and People in their Parliamentary Assemblies and Senates, which were very numerous,*) as is evident by *Magna Chartae.* 29. The banishment of Sir *Thomas Wayland* Chief Justice of the Common Pleas, 19 *E.* 1. *Rot. Pat.*

* *Lege Duodecim Tabularum hoc sancitum fuerat, ut de capite Civis Romani, NISI CENTURIATIS COMITIIS, nihil decerni possit, sed nec tolli de Civitate, vel a solio Patrio relegari, aut in exilium agi, nisi dicta causa & CENTURIATIS COMITIIS POSSET. Athenienſibus Cliſthenes exilii legem tulit primus, qui haud multò poſt ſua lege damnatus pœnas primus tulit. Oſtraciſmon dixerunt, ab oſtraco per quam ſuffragia ferebant: qui mos talis erat, ut in teſtiulis nomen civis, cujus potentiam formidabant, comitiis inſcriberent; & cujus plures erant teſtæ in urnam conjectæ, is DE CONCILII SENTENTIA, ab aris ſocisque projectus, ut à Civium arceretur aſpectu, 15 aut 10 Annorum, exilio ſolum vertebat: Quæ Comitia NISI SUPRA SEX MILLIA CIVIUM CONCILIO AD JUDICII DIEM CONVENIRENT, nulla atque irrita erant. Alexander ab Alexandro, Gen. Dierum l. 3. c. 20. T. Livii Hiſt. l. 26. c. 9. C. Taciti Ann. 13 and 4. Xenophon de Athenienſium Republica Plutarchi Ariſtides, Nicias. Diodorus Siculus. Bibl. Hiſt. p. 308, 404. Ariſt. Polit. l. 3. 6. 8, 9. Dr. Caſe Sphæra Civitate l. 3. c. 9. Ælian varia, Hiſt. l. 13. c. 24.*

Rot.

* *Walsingham, Ypodig. Neustriæ Hist. Ang. p. 52 75 95.*

rot. 12. and these Jews then banished. * *Exilium Hugonis le Dispenser patris & filii. Tottles Magna Charta, f.* 50. 51. The double banishment of *Peter de Gaverston* out of *England*, *Assensu communi Procerum & Magnatum, and of the King in Parliament. Walsingham Hist. Angliæ, p.* 71, 72. The Statute of 1. *Edward* the 3. c. 2. 11 *Richard* the 2. c. 2, 3, 4. for the banishment of *Belknap* and other Judges into *Ireland*, 21 R. 2. *Rot. Parl.* n. 16, 17. For the banishment of *Thomas Arundel* Arch-bishop of *Canterbury*, The Statute of 35 *Eliz.* c. 1. of & 39. *Eliz.* c. 4. *For banishing dangerous Sectaries, Rogues, out of the Realm, after conviction upon Indictment only*, not before (which could not be done by Law, before these Acts) *Cooks 2 Institutes, f.* 47. Mr. St. *Johns* Speech against the *Shipmoney Judges. p.* 22. My New Discovery of the Prelates Tyranny, p. 166, 167, 168. *Walsingham Hist. Angliæ*, p, 394. and other Testimonies: as also by 1 E. 3, c. 54. H. 4. c. 13. The Statute for the pressing of Souldiers for *Ireland*. 17 *Caroli Exact. Collect. p.* 435. *The* * *Barons* opposition and refusal to assist King *Henry the* 3 *in their persons or purses in his foraign wars in Apulia* and elsewhere, as no way obliged thereunto. *The* Petition *and* Protestation *of the Lords and Commons in* * *Parliament against serving the King in person, or contribution to his wars in* Flanders, *and other foraign parts.* 25 *E.* 1. *Walsingham Hist. p.* 35, 37, 38. *Henry de Knyghton de Event. Angl*, l. 3. c. 11, 14 or *in* Gascoign, France, Normandy, Scotland, *or* Ireland, *Cook 2 Instit. p.* 528. 4 H. 4. n. 48. 1 H. 5. n. 17. 7 H. 5. n. 9. 18. R. 2. n. 6. So none once banished the Realm by Judgement or Act of Parliament, can, may or ought, by the fundamental and known common Laws of *England*, to be restored and recalled again, but only by a like judgement Act and Restitution in full Parliament, as is adjudged, declared, resolved by the cases and Petitions of the two *Spencers*, and *Pierce Gaveston, Walsingh. Ypodig. Neust. p.* 104, 101 152. *Hist. Angl. p.* 68. 71, 72. *Holinshed p.* 328. *Speeds Hist. p.* 674. The Printed Statute of 20 *R.* 2. *c.* 6. for the restitution of *Belknap*, and the other exiled Judges, 28 E. 3.

* *Mat. Paris* 1256. 1258. *p.* 872. 934. 55 *Daniel p.* 172. 175.

* *See my Soveraign power of Parl.* 6, 7, 8, & 6.

Rot.

Rot. Parl. n. 8. to 14 and 29 E. 3. *Ryt. Parl. n.* 29. touching the repeal of the Judgement in Parliament against *Roger Mortimer* Earl of *March*, 17 R. 2. *Rot. Parl. n.* 18. for the pardon and restitution of the Justices banished into *Ireland* 21. R. 2. *n.* 55. to 71. for confirmation of the repeal of the exile of *Hugh de la Spencer*, Father and Son, *An.* 15 E. 2. and the revocation of the repeal thereof in 1 E. 3. [A notable full record in point.] *The* revocation of Abbot Dunston his sentence of banishment by King Edgar and his great Council* held at *Brentford*. Anno Dom. 959. 3 H. 7. 10. 4 H. 7. 10. 1 H. 7, 4. 10 H. 7. 22. *b.* 15 E. 3. *Fitz. Petit.* 2. 9 E. 2. 23. 24. 9 E. 4. 1. *b.* with sundry other Records *for the repeals of Judgements and Acts of former Parliaments, by the subsequent Judgements and Acts of other Parliaments*, in *Cooks* 4 Institutes, c. 1. and *Ashes* Tables. Parliament. 16. and Statutes 68. Therefore the Jews being so long since by Judgement, Edict and Decree both of the King and Parliament for ever banished out of *England* (never since repealed or reversed) neither may, nor can by Law be re-admitted, reduced into *England* again, but by common consent and Act of Parliament, which I conceive they will never be able to obtain.

* *Osbernus & Mat. Parker in his life Antonini Chron. Tit.* 16. *c.* 6. *f* 163. *Spelman. Concil. p.* 439.

I have now presented you with a true *Historical* and *exact Chronological Relation* of the Jews first admission into *England*; (not in the time of the Emperour *Constantine the great*) as some groundlesly would collect, from his * *General Epistle to all Churches*, touching the *Decrees of the Council of* Nice, *and the unanimous observation of the Feast of* Easter, *not after the Jewish computation*; wherein there is mention of the *Churches in Britain*, (as well as in *Rome, Africk, Spain, France*, and other places) *concurring with other Churches herein*; but not one syllable of any Jews therein, or in *Britain* then; nor in any other particular places, but onely these general passages against Christians complying with them in their Paschal observation. *Ac primum quidem indigna res fuit sanctissimum eum diem imitatione, atque consuetudine Judaeorum celebrare,*

* *Socrates Scholast. l.* 1. *c.* 9. *Theod. l.* 4. *c.* 10. *Niceph. Eccl. Hist. l.* 4. *c.* 25. *Cent. Mag.* 4. *c.* 3. *col.* 650, 651. *Spelman. Concil. p.* 43. 44.

lebrare,

lebrare, qui manibus suis nefario flagitio contaminatis, non injuria quoque animis sunt excæcati, homines scelerati. Quidni enim liceat, gente ea rejecta, rectiore, verioreque ordine, quem à primo passionis die hucusque servavimus, ad futura quoque sæcula observationis hujus ritum transmittere? Item nihil nobis commune sit cum infestissima Judæorum turba, &c. Quin & strictior ipsa atque exactior ratio flagitare videtur, NEQUA NOBIS CUM IUDÆORUM PERIURIO COMMUNIO. From whence, as all may justly resolve, that the blinded wicked Jews ought not to be introduced amongst, nor to have communion with us, nor we with them: so no rational man can thence inferr, that there were any Jews at that time observing their Jewish passeover in *Britain*, of which I can find no syllable in any Domestick or foreign Historians or Writers whatsoever; nor yet that they inhabited here, or were here in the *Briton*, *Saxon*, or *Danish* Kings Reigns; which if they had, some of our *Historians*, *Synods*, *Decrees*, and *Laws* in those ages would have mentioned it, (as well as the * *Gothish*, *Spanish* Histories, *Laws*, *Councils and Constitutions*, where they resided) in which there is not one syllable of them, but only in the forecited Law foisted in amongst the Confessors, to which doubtless it was puny:) but in *William* the Conquerours reign: Together with, their ill deportments, misdemeanors, sufferings, massacres, servile condition, and manifold popular tumults against them, during all the time of their residence in *England*, and final banishment out of it, never to my knowledge, collected † into one intire History before. The serious consideration whereof, will, in my weake judgement, sufficiently satisfie, convince the whole *English* Nation, that they have just grounds and reasons, in point of piety, of policy, never to re-admit them more into our *Island*; and likewise resolve the very Jewes themselves, that they have little cause or reason at all to desire to re-plant themselves in *England*, where their ancestors in times past, susteined so many miseries, massacres affronts, oppressions, fleecings upon all occasions, & themselves

* See Leges wisigothorum, l. 12. Tit. 2. 3. Surius Concil. Tom. 2. 3. Hispaniæ Illustrata, Tom. 5.

† Only I find John Stow in his Survey of London, p. 288. 289. hath collected some of them very imperfectly. And Purchas in his Pilgrimage, l. 2. c. 10. Sect. 7.

selves can expect little better usage for the future. To this principal part of my undertaking, for fuller satisfaction, I shall hereunto subjoyn a Taste of such Laws, Scriptures, Reasons, as seem strongly to plead, yea conclude against their re-admission into *England*, at least in that latitude and freedom as formerly they there enjoyed, and now *petition for.

As 1. To erect new Synagogues, Temples amongst us, or turn any of our Churches, Chappels into Synagogues, for the free publique exercise of their Judaism, Jewish Worship, Customs, Religion, (*h*) *diametrically contrary to the Gospel, Person, Kingdom, Priesthood, Offices, Mediation, Redemption of our Lord Jesus Christ, which they thereby professedly deny, renounce, as false and fabulous.*

2ly. To set up a Jewish Corporation or Fraternity amongst us in our Cities and Corporations, distinct and separate from the English, subject to their own immediate peculiar Officers and Judges, as heretofore.

3ly. To purchase Houses, Habitations, Rents, Lands exercise Merchandizes and all sorts of Trades, and Manufactures amongst us, as free *Denizens* or *Merchants*, upon such terms and qualifications as shall be indulged to them.

1. For our Laws and Statutes, these following, make directly or obliquely, by way of necessary consequence, against their re-admission.

1. For their Jewish Synagogues, Worship, Sacraments, Religion; these ancient, pious Laws of our *Saxon* and *Danish Kings* (made in their great Parliaments and Councils before the Jews first coming into *England*) strongly oppose their admission now.

As namely the (*i*) Laws of King *Alfred* and *Guthern*, *Lex* 1. 2. of King *Ethelred* in the Council of *Ænham*, *c.* 1. 3. 27, 29, 30. of *Habam*, *c.* 1. with the Laws of King *Knute* the Dane, *Lex* 1. 27, 28. All which enact, "That "the only true God and our Lord be loved, worshipped "in all ages by all the people, with all their might: the "one Christian, holy Catholick faith, orthodoxly kept, "and

*See *Menasseth Ben-Israel his Humble Addresses.*

(*h*) *See Cæm. Magd. 2. to 13. & 18. in each Antonini Chro. pars 2. Tit. 16. c. 1.*

(*i*) *Chron. Johannis Bromton col. 829. 901, 908. Lambardi Archaion, & Spelman. Concil. p. 376, 513. 515, 521, 522, 549, 550, 599. Mr. Jo. Selden ad Eadmerum Notæ, p. 189.* makes this one of the Conq. Laws too. *Statuimus imprimis super omnia, Unum Deum per totū Regnum nostrū, venerari; unam fidem Christi semper inviolatam custodiri &c.* Take out of these Kings Laws,

"and the Churches of God to be diligently frequented
"throughout the Realm. That all Paganisme and false
"Religions be renounced both in words and deeds; That
"who ever wickedly resisteth the Laws of Christ, shall
"be grievously fined and put to death: and, that all men
"should diligently seek out by all means; *Ut recta Christi*
"*religio maximè provehatur*; That the right religion of
"Christ might be most of all advanced: obtesting all Ec-
"clesiastical and secular persons again and again; most
"earnestly to keep the sincere faith unanimously in the
"true God, and the right Christian faith in a right man-
"ner; diligently to hear the Teachers of Gods word; stu-
"diously to follow their Doctrine and Precepts; to main-
"tain peace and tranquility in the Church of God, and
"there diligently to pour forth their prayers. All which particulars exclude all Jewish Synagogues, and Judaisme, and are of perpetual force, being grounded on the very Law of God.

(k) Spelman. Concil. p. 553. 566.

Moreover King (k) *Cnute* his Ecclesiastical Lawes [made by the advise of his wise men, to be observed throughout all *England*] prohibited, *That no Christian should be sold or sent out of the Realm, or banished amongst those who had not as yet embraced the faith in Christ, lest peradventure those Souls should perish at any time, which our Lord Jesus Christ had redeemed with his own blood and life.* If Christians for this cause ought not to be sent, sold or banished amongst Jews and Infidels, much more then ought not Infidel Jews, with their Jewish Synagogues, Religion, Ceremonies, to be now introduced amongst us Christians, to the hazard of many Christian Souls redeemed by Christs blood.

2. All the Statutes concerning *Uniformity of Common Service, and administration of the Sacraments*, as 1 *Ed.* 6. c. 1, 2. 2 *Ed.* 6. c. 1. 6 *Ed.* 6. c. 1. 1 *Eliz.* c. 2. 23 *Eliz.* c. 1. 35 *Eliz.* c. 1. 2. [most of them still in force, being never legally repealed] do fully and directly oppugne the introduction of any Jewish Synagogues, Service, Sacraments, Worship, Ceremonies, with the use of them in any place within our Realm.

3. The

3. The Statutes of 3. *E.* 6. c. 10. 13 *Eliz.* c. 2. 23 *Eliz.* c. 1. 28 *Eliz.* c. 2. 6. 35 *Eliz.* c. 1. 3. *Jac.* c. 4. *against Popish Recusants, Seminary Priests, Jesuites, Friers, Masse-Books, Agnus Dei's, Popish Books, Superstitions: for preventing the withdrawing of the Subjects of this Realm, from the publique Ordinances, Sacraments and Religion here established; and for speedy banishing all Seminary Priests and Jesuites, and keeping them perpetually out of the Realm* (upon this account, amongst others) though professing Christ, Christian Religion and agreeing with us in all Articles of the Creed, and most fundamental points of Christianity: Must in Substance, Law, Reason, (in this regard) much more perpetually exclude, abolish all Jews, Jewish Priests; *Rabbies*, Synagogues, worship, Ceremonies, Superstitions, out of our Dominions, being far more dishonourable to Christ, opposite to our Christian Religion, and destructive to the peoples souls, if once admitted, then any Jesuites, Seminary Priests, Friers, Popish Recusants, or any *Romish* Masses, Superstitions whatsoever. And if the Jewish Priests, Judaism, and Jewish Ceremonies, may be now set up and practised publiquely amongst us, notwithstanding all these Statutes, then much more Masse-Priests, Masses, Popery, and *Prelacy*, by the self-same reason, justice, equity.

To these I might annex all the late *Ordinances* for the *Directory*, *The solemn League and Covenant*, and for *Suppressing, punishing of Heresy and Blasphemy*: therefore of *Judaism*, which is both *Heresy* and *Blasphemy*, and Jewish assemblies, the very *Synagogues of Satan*; *and Jews great blasphemers*, by Christs own resolution, *Rev.* 2. 9. c. 3. 9. *Acts* 18. 6. *Rom.* 2. 21. With the late printed (*l*) *Instrument of Government*, which although it allows not only *toleration*, but *protection to all Sects and Religions, professing faith in God through Jesus Christ, (though differing from the Doctrine and Discipline publickly held forth in the Nation)* except only to *Popery* and *Prelacy*: yet certainly it can no ways extend to the toleration or protection of *Iews*, and their * *Antichristian blasphemies* against *Christ him-*

(*l*) Article 37.

* John 4. 8
John 7.

himself, and the *Gospel*; seeing they are so far from *professing faith in Iesus Christ*, that (*m*) *they utterly renounce, and professedly decry him to be the true Saviour and Messiah of the world, rejecting the whole New Testament and Doctrine of the Gospel*: and so by consequence, are necessarily secluded by this Instrument, and Oath for its observation, from practising their Jewish worship, Ceremonies, or erecting any *Synagogues in our Nation* for that purpose.

(*m*) See Petrus Venerabilis contra Iudæos, Antonini Chro. pars 2. Tit. 16. c. 12. Agobardus de Insolentia Iudæorum, & Iudaicis superstitionibus, & Cent. Magdeburg. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13. c. 14, 15. where this is largely proved, & Iudaisme refuted.

2ly. Though the (*n*) *Kings of England by the Law and their Prerogative, may in sundry cases erect New Corporations of their Subjects by their Charters only*: yet notwithstanding, no Corporation or Fraternity of *Iews*, being meer *Aliens*, may, can, or ought to be erected in *England*, by the Fundamental Lawes and Constitutions of the Realm, but only by full *consent of the Nation in Parliament, by special Acts of Parliamennt*; it being one of the greatest Intrenchments that can be upon the *English* Nations Rights, Liberties, Customs, priviledges, profit, and a violation of all the former *Charters, Priviledges, Rights, Franchises, confirmed to them by the great Charter of England*, (forty times since ratified by new Acts of Parliament.) This is evident by the Statutes of *Magna Charta*, c. 9. 37. 34 E. 1. c. 4. 1 E. 3. c. 9. 14 E. 3. c. 1. 1. H. 4. c. 1. 2. H. 4. c. 1. 7. H. 4. c. 1. 9. H. 4. c. 1. 13. H. 4. c. 1. 3. H. 5. c. 1. 2. H. 6. c. 1. compared with 2 E. 3. c. 9. 27. E. 3. c. 1. to 29. 28 E. 3. 13. 15, 39. E. 3. c. 7, 19 H. 7. c. 12, and all other Acts for the (*o*) *Staple* and *Styliard*: and with 3. E. 4. c. 6. 1. R. 3. c. 9. 14 H. 8. c. 2. 21 H. 8. c. 16. 22 H. 8. c. 8. 32 H. 8. c. 16. touching Artificers, Merchants and Aliens.

(*n*) See Brooke and Ash. Corporation and Prerogative.

(*o*) See Rastal Staple.

3ly. The * *preambles* of the Statute of *Merton*, 20 H. 3. 3 E. 1. with c. 17. 48. 6 E. 1. of *Quo Warranto*, and of *Glocester*, 13 E. 1. 12 E. 2. of *York*, 9, 10, 14, 15, 25, 28, 36, 37. E. 3. 1. 3, 6, 7, 8, 10, 11, 12, 13, 14, 21. R. 2. 1, 2, 4, 6. H. 4. 1, 8, 10, 12. 36. H. 6. 18 E. 3. c. 1, 2, 3. R. 2. *Rot. Parl.* n. 36, 40. 6 H. 6. c. 5. and other Acts, declare and resolve. *That the Kings of* England

* See my Soveraign power of Parliaments part 2. p. 76, 77, 78.

by

by their Oath and Duty, and the Lords and Commons in Parliament, are all obliged by their trusts and our Laws, to advance, uphold, maintain and defend the welfare, wealth, safety of the Church, Realm, Subjects, People of England, *and to prevent, redresse, suppresse, remove by wholesom Laws and Ordinances, all Grievances, Mischiefs, Damages, Inconveniences, Disinherisons contrary thereunto*; it being a fundamental Maxime both in our *Laws and Law-Books*, SALUS POPULI SUPREMA LEX: which the Army Officers in their Declaration of 16 *Novemb.* 1648. and Mr. *John Pym*, in his Speech against *Strafford*, 12 *April* 1641. p. 3. &c. printed by the Commons special Order, much insist on. Moreover, it is another Maxime in our Law, **Summa ratio est, quæ pro religione facit.* Now the admission of the Jews into *England*, as appeareth by the Statute *de Judaismo*, and premised Histories, is no way consistent with the welfare, profit, wealth, safety of the Church, Realm, Subjects, People, or Religion of *England*, and will be an extraordinary damage, mischief, grievance, inconvenience, and disinherison to them all. Therefore prohibited, enacted against by the general scope of all these Laws and Maxims, and no ways to be admitted.

* *Cooks Reports l.10. f. 55.*

4ly. The Jews heretofore in *England*, and still in *all other parts*, being most grievous *Clippers, coyners, forgers of money, Usurers, Extortioners, and the greatest cheators, cozeners, Impostors in the world, in all their Merchandizes and Manufactures* whatsoever: upon this accompt they are and ought to be still excluded, and never re-admitted amongst us, by the provisions of [q] *all our Laws*, yet in force, *prohibiting clipping, coyning, usury, extortion, frauds, deceipts*, in any Merchandizes or *Manufactures whatsoever*; unless we intend to have them now more practised by them and others among us, than ever heretofore. The rather, because they were never admitted free Trading and Habitation in *England* by [r] any of our *Laws touching Alien Merchants, and Artificers free Traffick amongst us*, from the time of their forementioned banishment, till this present, under the **Name and Notion** of

[p] *See Cent. Mag. 3. to 13. c. 14. Alberti Argentinensis Chron. & de Gestis Bertoldi, p. 148. 149. 178.*

[q] *See Rastals Abridgement title, Artificers, Aliens, Money, Treason, Drapery, &c.*

[r] *See Rastals Abridgment, Tit. Merchants and Merchandise.*

of Jews, Foraign Merchants, or Artificers. And therfore not to be admitted to those new desired priviledges, from which all these forecited Laws (in my weak Judgement) with the former old Parliamentary Judgement, and Edict, for *their perpetual banishment*, in Law, Justice, Conscience, still debarre them re-admittance, til repealed; and they (if ever readmitted against all these Acts and Statutes) must be introduced, re-setled by special Acts of Parliament, which no English Parliament (in probability) will ever indulge unto them, as the peoples generall present declamations in all places, against their endeavoured introduction, prognostick. And thus much I thought meet to inform the Nation, touching those Laws and Statutes which (in my poor opinion) directly, or by consequence oppose their re-admission, and refute those Lawyers mis-information, who confidently averred, *there is no Law of* England *at all against it*, if Mr. *Nye* did truly inform me.

2. For Scriptures, these Texts may resolutely engage us against their re-admission,

1. Matth. 5. 13. Luke 14. 34, 35. *Salt is good: but if the salt have lost its savor, wherewith shall it be seasoned? It is neither fit for the land, nor yet for the dunghil, but to be cast out, and to be trodden under foot of men.* This is the condition of the Jews, who have lost both their Saviour and their savor too. Therefore not fit for *our land*, *nor yet for our dunghils*; but to be kept and *cast out* from amongst us, and trodden under foot of all true Christian men, whiles unbelievers.

2. 1 Cor. 16. 22. *If any man love not the Lord Jesus Christ, let him be Anathema Maranatha.* That is, separated and cast out from all Christian society and communion until the day of Judgement; the highest kind of Jewish Excommunication. Now the Jews are such, who doe not only not love, * but deny, defie, and hate our Lord Jesus Christ in the highest degree. Therefore to be excommunicated and secluded from our Christian communion and cohabitation amongst us, to which they can pretend no right.

* See Cent. Magd. 3. to 13. p. 14, 15.

3.

3. 2 Cor. 6. 14, 15, &c. *Be ye not unequally yoaked together with unbelievers*; for, *what fellowship hath righteousness with unrighteousness? and what communion hath light with darkness? and what concord hath Christ with Belial? and what part hath he that believeth with an Infidel? and what agreement hath the Temple of God with Idols? &c. Wherefore come out from among them, and be ye separate saith the Lord, and touch no unclean thing, and I will receive you.* The unconverted Jews, are both *Unbelievers*, Infidels, *Darkness*, Belialists, and the *very Synagogue of Satan*, as the Scripture resolves them, *Acts* 14. 1. *Mar.* 6. 6. *Rom.* 11. 20. 23. 32. *Heb.* 4. 6. 11. *John* 1. 5. *Mat.* 8. 12. *Rev.* 2. 9. 1 *Thess.* 2. 14, 15, 16. Therefore we Christians ought not to be unequally yoaked, or to have any fellowship, communion, agreement, part or mixture with them; much less to receive them into our land and bosoms, from whence they were formerly spued out, but to keep our selves separated from amongst them, lest God reject us, as he hath done them.

4. 2 John 6. 7. *This is the commandement that ye have heard from the beginning, that ye should walk in it: For many deceivers are entred into the world,* **Who confess not that Jesus Christ is come in the flesh: This is a Deceiver and an Antichrist.** & v. 10, 11. *Whosoever transgresseth, and abideth not in the doctrine of Christ, hath not God: he that abideth in the doctrine of Christ, he hath both the Father and the Sonne. If there come any unto you, and bring not this Doctrine receive him not into your house, neither bid him, God speed: for he that biddeth him God speed, is partaker of his evil deeds.* The Jews are these *Deceivers* and *Antichrists*, who confess not, but absolutely deny, that Jesus Christ is come in the flesh & they abide not in the Doctrin of Christ; and if they come unto us, they will not bring this Doctrine to us, but the quite contrary. Therefore we ought not to receive them into our Dominions or Houses, nor bid or wish them God speed, in returning to dwell amongst us. And if any do the contrary, they are and shall be partakers of their evil deeds.

5. Tit. 1. 10, 11, 13, 14. *For there are many unruly and vain talkers and deceivers,* **Especially they of the Circumcision;** *whose mouthes must be stopped,* **who subvert whole houses** *teaching things which they ought not, for filthy lucres sake. Wherefore rebuke them sharply, that they may be sound in the faith:* **Not giving heed to Jewish Fables,** *and commandements* **of Men that turn from the Truth.** If the circumcised Jews were such unruly Deceivers, seducers, and subverters of whole houses, even in the Apostles own dayes, and their Jewish fables then did turn so many from the truth, to prevent which, their *mouthes were then to be stopped,* With what colour of Christianity, piety, conscience, can we call them in amongst us now, in these times of fearful, and almost universal Apostacy from the truth, and give them leave to set up their Synagogues, and open their blasphemous mouthes here in *England,* even when many orthodox Ministers mouths are quite stopped up in publick & privat, without hearing, to the great Joy both of *Iesuits* and *Iews,* (even whiles their re-admission amongst us is in agitation) when less dangerous seducers are freely permitted to ramble abroad in all places, and have subverted whole houses, parishes, and almost Cities and Counties too, to Gods dishonour, and the danger of the peoples souls.

6. 1 Thess. 2. 14, 15, 16. For *ye also have suffered like things of your Countrymen, even as they have of the Iews: who both killed the Lord Iesus, and their own Prophets, and have persecuted (or chased out) us, and they please not God, and are contrary to all men:* * *Forbidding us to speak to the Gentiles, that they might be saved, to fill up their sins alway:* **For the wrath is come upon them to the uttermost.** This Gospel character of the Jews, expressing their transcendent malice to the Lord Jesus, their own Prophets, the very Apostles themselves, the Gentiles, with their contrariety to God, and all other men, and Gods wrath upon them for it to the uttermost: administer plenty of invincible arguments, against our receiving them in again amongst us, lest they bring along with them the extremity

* Acts 4. 17, 18, c. 5. 28, 29. 40. c. 13. 45. *Let those who now imitate them, in ejecting & silencing Ministers from preaching, consider & repent of this Jewish crime.*

ty of Gods wrath upon the whole *English* Nation, who have enough thereof already, and are likely to feel more of it, if they really imitate or play the Jews, and silence, cast out their own Prophets, Ministers, Countrymen in these and other particulars.

7. Acts 18. 5, 6, 7. "Paul was pressed in Spirit, and "testified to the Jews that Jesus was the Christ. And when "they oppcsed themselves and blasphemed, he shooke his "rayment, and said unto them, your blood be upon your "own heads: I am clean, from henceforth, I will goe "unto the Gentiles. And he departed thence and entred "into a certain mans house named *Justus*, who worship-"ped God. &c. *compared with Acts* 13. 44. *to* 52. The "next Sabbath-day came almost the whole City together "to hear the word of God: but when the Jews saw the "multitude, they were filled with envy, and spoke a-"gainst those things that were spoken by *Paul*, contra-"dicting and blaspheming: Then *Paul* and *Barnabas* wax-"ed bold, and said, it was necessary the word of God "should first have been spoken unto you; but because ye "put it from you, and judge your selves unworthy of e-"verlasting life; **Loe we turn to the Gentiles**; For so "hath the Lord commanded us, &c. And the word of the "Lord was published throughout all the Region. But "the Jews stirred up the devout and honourable women, "and the chief men of the City, and raised persecution "against *Paul* and *Barnabas*, and expelled them out of "their coasts, but they shook off the dust of their feet a-"gainst them, and came unto *Iconium*: See the like, *Acts* 17. 5. to 16. c. 19. 8, 9, 10. c. 28. 25. to 31. This malitious carriage and persecution of the Jews, even a-gainst the Apostles themselves, their Doctrine, and the Gentiles salvation, and casting them maliciously out of their coasts; with their Separation from them, and turn-ing themselves wholly to the Gentiles upon this account, by Gods own command; demonstrates, what all Gods faithfull Ministers, and we Christian Gentiles must expect from them now: and that being formerly cast out of our

Coasts by our Ancestors for their infidelity, crucifying of Christ in his Members, and such like misdemeanors, and so being totally separated in cohabitation and communion from us, we neither may nor ought now to resume them into our Land, Bosoms or Communion again, upon any pretences whatsoever. The rather for that *Martin Luther* on *Mich.* 4. 1, 2. and Mr. *Samuel Purchas* in his * Pilgrimage informs us, *That sooner than the Jews would endure that the Gentiles, whom in their dayly prayers they curse and revile, should have any part with them in their Messias, and be accounted coheirs thereof, they would crucify ten Messiahs, yea if it were possible would do to death God himself, with all the Angels and creatures else, although they should therefore undergoe a thousand Hells.*

* l. 2. c. 21. p. 213.

8. When God was bringing the Jews into the promised Land which he gave them to inherit, he gave them these special commands. "Thou shalt drive the Inhabitants of the land out before thee (s) Thou shalt make "no Covenant with them, nor with their Gods, **they "shall not dwell in thy land**, lest they make thee sin against me, and it be a snare in the midst of thee. Thou "shalt make no Covenant with them, nor shew mercy to "them, Neither shalt thou make marriages with them. "Thy Daughter thou shalt not give unto his Son, nor his "Daughter shalt thou take unto thy Son, for they will "turn away thy Sons from following me, that they "may serve other Gods, so will the anger of the Lord be "kindled against thee, and destroy thee suddenly; If ye "doe **in any wise** go back, and cleave unto the remnant "of these Nations, and go in unto them, and they to you, "know for a certain, that the Lord will no more drive out "any of these Nations before you; but they shall be snares "and traps unto you, and scourges in your sides, and thorns "in your eyes, until you perish from the good Land which "the Lord your God giveth you: But thus ye shall deal "with them, ye shall destroy their Altars, and break "down their Images, and cut down their groves, &c. for "thou art an holy people unto the Lord thy God. Now,

(s) *Exod.* 23. 31, 32, 33. 6. 34. 1. *to* 17. *Deut.* 7. 2. *to* 9. *Jos.* 23. 3. *to* 15. *Judg.* 2, 3, 4.

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the not driving out of these Nations by the Israelites from amongst them, according to these commands of God, is charged as a special *sin upon them by God, enticed them to Idolatry, and brought his severe wrath upon them*, Judges 1. 27. to 36. c. 2. 2, 3, 12, 13, 19, 20, 21, 22, 23. and is thus expressed by the Psalmist *Psal.* 106. 34. to 43. *They did not destroy the Nations concerning whom the Lord commanded them*: **but were mingled amongst the heathen, and learned their works**, *and they served their Idols, which were a snare unto them, yea they sacrificed their Sons and Daughters unto Devils, and shed innocent blood, even the blood of their Sons and Daughters, whom they sacrificed unto the Idols of* Canaan, *and their Land was defiled with blood. Therefore was the wrath of the Lord kindled against his people, insomuch that he abhorred his own inheritance, and he gave them into the hands of the Heathen, and they that hated them were Lords over them; their enemies also oppressed them, they were brought unto subjection under their hands.* The morality, ground and equity of which precepts, as they justifie our Ancestors expulsion of the Jews out of *England*, with their adulterous worship, Ceremonies & Synagogues heretofore. So I conceive they strongly oblige all English Christians (especially after our late *solemn League and Covenant*) to seclude and keep them out from re-entring, coming in, mingling, and dwelling among us now, for fear they draw the self-same sad effects, and bring down the same, or like heavy judgements of God upon us, as these Scriptures threatned, and God himself inflicted on the Israelites for transgressing them.

In brief, the Parables of the Vineyard and Husbandmen, the King going into foraign parts, and Marriage-Supper, *Mat.* 21. 33. to 46. c. 22. 2. to 11. c. 23. 21. to the end. *Mar.* 12. 1. &c. *Luk.* 19. 12. to 28. c. 20. 9. &c. particularly applyed to the Jews, and notably setting out their desperate malice against our Saviours person, Kingdom, Government, Ordinances, Ministers, Gospel, and his rejection of them for it. Together with *Rom.* 16, 17, 18. 31. 32. 1 *Cor.* 5. 4. &c. *Phil.* 3. 2. 3. *Mat.* 7.

15. c. 16. 7. 11. 12. 17 *Col.* 2. 8. 2 *Pet.* 3. 17. c. 2. 1 &c. 7, 8. 20, 21, 22. 2 *Tim.* 3. 1. to 10. c. 2. 16, 17 *Titus* 3. 10. 11. *Rev.* 2, 9. 14. *Heb.* 6. 4. to 9. c. 16. 26. to 32. *Ph.* 4. 2, 3. *Gal.* 4. 29. 30. will all furnish us with sundry arguments against their re-admission amongst us, as likewise *Prov.* 9. 27. 28. *Amos* 3. 3. *Psal.* 101. 3, 4, 5, 6, 7, 8. *Psal.* 119. 104. *Psal.* 139. 21, 22. *Numb.* 8. 13. *Numb.* 16. 26, 27. *Psal.* 6. 8. *Psal.* 119. 115. *Psal.* 139. 16. which every good Christian may peruse at leasure, and apply as he sees cause.

3. For Reasons against their re-admission into *England*, they are divers, Theological, Political, and mixt of both.

1. God himself by his Prophets, Son, Apostles, before their rejection, while they were his special, peculiar chosen people, treasure, above all other Nations of the world, most frequently complains of them, and the generality of the Nation (*t*) "That they were a most rebel-
(*t*) *Deut.* 9. 6, 7, 13. c. 31. 17. *Exod.* 32. 9. c. 33. 3. 5. *Psal.* 78. 8, 9. *Jer.* 3. 6. to 22. c. 5. 23. c. 8. 5. c. 2. 11. c. 23. 14 *Isay* 3. 9. c. 24. 5. *Ezech.* 2. 3. to 9. c. 3. 26, 27. c. 12. 2. to 26. c. 17. 12. c. 16, 46, 56, 57 c. 24. 3. c. 44. 4. *Hos.* 4. 16. c. 5. 7. c. 6, 7. 6. 11. 7. *Mat.* 3. 7. c. 11. 23, 24. c. 23. 33.
"lious, disobedient, gainsaying, stiff-necked, impenitent, "incorrigible, adulterous, whorish, impudent, froward, "shameless, perverse, treacherous, revolting, back-sliding, "idolatrous, wicked, sinfull, stubborn, untoward, hard-"hearted, hypocritical, foolish, sottish, brutish, stupid, un-"gratefull, Covenant breaking Nation, House, People; "a seed of evil doers, a generation of Vipers, doing evil "greedily with both hands, according to all the Nations "that were round about them; as bad, nay worse than "*Sodom* or *Gomorrha*, casting all Gods Laws, Ordinances, "behind their backs, trampling them under their feet, re-"jecting, forsaking, despising God himself, provoking "him continually to his face, grieving him to the heart, "forgetting him days without number, alwayes erring in "their hearts, and disobeying his voice, and the like: And dare, can we then harbour such a Nation as this,

Acts 7. 51, 52. *and other texts. Levit.* 26. *Deut.* 28. *Isay.* c. 1. & 9. & 14. & 29. & 32. *Jer.* c. 1. to 30. *Lam.* c. 1. to 5. *Ezech.* c. 2. to 25. *Hos.* c. 1. to 11. *Joel*, c. 1. and 2. *Amos*, c. 2. to 5. *Mal.* c. 1. & 2. *Zeph.* 1. *Zach.* 11. 2. *Kings* 17. 2. *Chron.* 36. *Mat.* 24. *Lev.* 22. *Egesippus*, *Eusebius*, *and others.*

and

and bring them in amongst us now they are worse in all these respects than ever?

2. *God himselfe hath denounced against, and inflicted upon the Iewes, greater, severer Woes, Iudgments, Calamities Dispersions, Devastations, Captivities, Desolations, Curses, Plagues of all kinds, for their sins, rebellions, impenitencies, and to on their Nation, Kingdom, Countrie, Cities, than to or on any other Nations, Kingdoms, People, and that more frequently than against any other: Swearing against them in his wrath, that they should never enter into his rest*, Psal. 95. 11. Hebr. 3. 10, 11, 18. *stiling them, the generation of his wrath*; Jer. 7. 29. and averting of them, *that wrath is come upon them to the utermost*, 1 Thess. 2. 15. 16. And can or shall we then receive such a Nation as this into our bosoms now, without entertaining, and pulling upon us, that wrath and these curses of God which are denounced against, and do now pursue and accompany them in all places?

3. The Jews were alwaies heretofore a *very murmuring, mutinous, discontented, rebellious, seditious people for the most part, not only against God, but their* (x) *lawfull Governors, Kings, Priests, Prophets, oft tumultuously rebelling against, disobeying, revolting from, deposing, murdering their Kings, and Soveraigns, and contemning, disobeying, slaying, killing, stoning the Prophets, Messengers whom God sent unto them.* Whence God himself gives us this black Character of them, 2 Chron. 36. 15, 16. *And the Lord God of their Fathers sent unto them by his Messengers, rising up betimes, and sending, &c. But they mocked the Messengers of God, and despised his words, and misused his Prophets, until the wrath of the Lord rose against his people, till there was no remedy, &c.* And our Saviour Christ a worse: Lu. 13. 33, 34. *It is impossible* (or cannot be) *that a Prophet perish out of Jerusalem*: Mat. 23. 27. *O Jerusalem, Jerusalem, thou that killest the prophets, and stonest those that are sent unto thee*! Which St. *Stephen* thus seconds, Acts 7. 51. 52. *Ye stiff-necked and uncircumcised in heart and ears, ye do alwaies resist the holy Ghost as your fathers did,*

(x) Exod. 15. 24. c. 16. 2. & c. Num. c. 14. c. 16. c. 20. c. 21. 2 Sam. 1. 15 to 21. 2 Kings c. 12. c. 15. c. 16. 2 Kings c. 9. c 10. c. 12. 20. c. 14. 17. c. 17. 21. 23. c. 23. c. 20. c. 27. 2. Chron. c. 23. c. 36. Ezech. 17. 13. to 24.

did, so do ye? Which of the Prophets have not your Fathers persecuted; and they have slain them which have shewed them before of the coming of the Just One, of whom ye have been now the betrayers and murderers. Which St. *Paul* also confirms in the forecited observable Text of the 1. *Thess.* 2. 14, 15, 16. And can we then in point of piety or policy, even in these distracted, rebellious, mutinous times, entertain, or bring in such a Nation, People as this amongst us? Or can our despised Ministry in this age, when they can hardly convert, keep any of their own English from seduction, have any hopes of reclaiming or converting such a mutinous, ever rebellious, stiff-necked people, who have thus abused, murdered, stoned their own Prophets in former times, though immediatly sent unto them by God himself? and will quickly teach the English to do the like, who already imitate them in too many places.

(y) *Mat.* 21. 33. *to* 36. *c.* 26. *&* 27. *&* 28. *Mar.* 14 *&* 15. *Lu.* 22. *&* 23. *John* 5. 16, 18. *c.* 7. 1. *c.* 9. 22. *c.* 10. 31, *&c. c.* 11. 8, 55. *c.* 18 *&* 19. *c.* 20. 19 *Act.* 2. 23. 36. *c.* 3. 13, 14, 15.

(z) 1 *Thes.* 2. 14, 15.

(a) *Act.* 4. 1. *to* 23. *c.* 5, 5: 17. *to* 42. *c.* 6. 9. *to* 15. *c.* 7. *c.* 8. *v.* 9. *c.* 12. 3. *c.* 13. 42. *to the end. c.* 14. 2. 4, 5. 19. *c.* 17. 6. *to* 17. *c.* 18: 12. *&c. c.* 21. *to c.* 27. *c.* 28. 17, 18, 19. 2 *Cor.* 11. 24. 1 *Thess.* 2. 14, 15, 16.

4. (y) "They were the greatest haters, revilers, perse-
"cuters, blasphemers, betrayers, and the only murderers,
"crucifiers of our (z) Lord Jesus Christ himself, and his
"(a) Apostles whiles on earth, *as the Evangelists, Acts,*
"*and other Scriptures testifie.* And although Christ and his
"Apostles miraculously converted some thousands of
"them by their preaching and miracles, to the faith of
"Christ, *Acts*, 2. 41. *c.* 21. 20. Yet the generality and
"body of the Nation continued still blind, obstinate, un-
"der the very most powerfull Ministry of the Prophets,
"Apostles and Christ himself, being then and ever since
"that time, judicially and penally given up to a blind, ob-
"durate, obstinate, impenitent, stupid heart and spirit, a
"reprobate sense, a cauterized conscience, and divorced,
"rejected, reprobated, broken off, cast off by God him-
"self, proclaiming them to be no more his people, to be
"reprobate silver, because he hath rejected them; to
"make way for the calling, conversion, salvation of the
"Gentiles, whom he hath ingrafted, called, and ta-
"ken into special Covenant in their stead, as is e-
vident by Acts 13. 45, 46, 47. *c.* 19. 9. *c.* 28. 25, 26, 27, 28. Isa. 8. 14. to 17. *c.* 10. 22, 23. *c.* 29. 8. to 15. *c.* 65. 2, 3, 9. *c.*

9. c. 53. 1. Jer. 6. 10. c. 7. 29. c. 14. 19 Lam. 5. 22. Hos. 1. 9. 10. c. 4. 6. Mat. 13. 13, 14, 15. c. 21. 24. to 46. c. 22. 2. to 11. Mar. 4. 12. Luk. 2. 34. c. 8. 10, &c. John 9. 39. 41. c. 12. 37. to 44. Rom. 9. 24. to 33. c. 10. 16. 19. 20, 21. c. 11. 5. 7. &c. 1 Thess. 2. 14, 15, 16. Heb. 10. 26. to 31. compared together. Which Texts conjoyned with Lu. 18. 8. *Mat.* 24. 9. to 15. Joh. 1. 11. 1 Tim. 4. 1, 2, 3. 2 Tim. 1. 3. to 10. c. 4. 3, 4. 2 Pet. 2. 1. 2. &c. c. 3. 3. 1. John 2. 18. Jude 18. in my judgement unanswerably refute, that commonly received opinion, of the calling and conversion *of the whole Nation and Body of the Iews in these latter dayes to the faith of Christ, and such glorious Gospel times in the last age of the world*, which some have over-confidently asserted, and now insist on, as the chiefest argument for calling in the Jews amongst us at this season; as if they were able more effectually to perswade, convert them, then either their own Prophets, or Christ himself and his Apostles, and remove that veil of obstinate blindnesse, and obduration, *which God hath laid upon their hearts and eyes, to this very end, that they might neither see, hear, nor understand, nor be converted, that he might heal them.* Acts 28. 25, 26, 27, 28.

5. God himself, (especially for their rejection of Jesus Christ, and refusing him to be their King to rule and reign over them) hath utterly extirpated and ejected the Jews out of their *own promised land, which himself bestowed on them for their peculiar* (b) *inheritance, and habitation, and setled them in actual possession thereof by an outstretched hand, and power: yea, scattered, dispersed them into other Nations, like chaff before the wind*, without any fixed habitation, according to the ancient comminations and curses long since denounced against, and now fully executed upon them. Deut. 28. 63, 64, 65. &c. Levit. 26. 33. 36, 37, 38, 39. Deut. 4. 27. c. 32, 26. 1 Kings 14, 15. Neh. 1. 8. Psal. 106. 27. Jer. 9. 16. & 17. 24. c. 18. 17. c. 49. 32. 36. Ezech. 5. 2. to 13. c. 12. 14, 15. c. 20. 23. c. 22. 15. Daniel 12. 7. Zach. 1. 21. Ezech. 11. 16, 17. c. 6. 8. 17. 21. which scattering, is principally intended

(b) *Gen.* 15. 7. 8. c. 26. 5. *Nu.* 26. 54. 55. c. 27 7. 8. c. 32. 18. 19. c. 33. 55. *Josh.* c. 14. to 20. *Ps.* 78. 55. *Ps.* 105. 11. 1 *Kings* 8. 36. *Ezech.* 48. 29.

ded only amongst *Heathen Nations, where they should be totally deprived of all Gods Ordinances, and means of Salvation, & where they shall serve other Gods, which neither they nor their Fathers have known, even wood and stone*; as these texts expressly resolve and import. Therefore, to receive them into, and settle them in our Christian Kingdom and Island, whereunto they have no title, nor colour of inheritance, which *God hath* (c) *appointed to the English alone for their portion, (and therefore these Aliens may not invade or intrude themselves into it, without the whole Nations general consent)* is in some sence to crosse these sacred Texts, and neither convenient for us to grant, nor for them to request, being already over-stored with Native Englishmen.

(c) See Acts 17. 28. *Exod.* 36.43. *Num.* 20 14. *to* 22. c. 21. 21,22,23. *Deut* 2. 26. *to* 32. *Judg.* 11. 12. *to* 29. *Deut* 2.9 2 *Chron.* 20. 10. *Gen.* 34. 20. *Num.* 26. 54. *Deut.* 26. 9. *Ezech.* 36. 5. *Exod.* 20. 17. *Gal.* 4. 30. 31.

6. Since the Jews crucifixion of our Saviour Jesus Christ himself, and their extirpation and dissipation for it, they have oft times in sundry places, ages, in high contempt and despight of his person, and passion, maliciously acted it over and over again in representation, not *only, by* (d) *piercing his Images with swords and Spears, and by* (e) *stabbing, piercing, boyling, burning, braying in a mortar, and otherwise despighting the consecrated Sacramental bread, representing his crucified body*, as the Historians in the Margin at large relate; and *likewise by crucifying a Ram at Easter, as they did at* (f) Syracusa, in the year, 1113: but likewise by crucifying sundry Christian children on *Good Fryday*, or near *Easter*, on a Crosse, in a most barbarous manner, in derision of our Saviours death and passion. To pretermit those 7. or 8. forecited instances in *England* alone, I shall instance in some forreign ones recorded by Historians. About the year of our Lord, 430. the Jews in their publick (g) *Enterludes and Dances, held on their Sabbath, o-*

(d) *Athanasius de passione Imaginis Christi: Cent Magd. 4. c. 13. col.* 1445. *Cent.* 6. *col.* 825. *Cent* 8. *col.* 122. *Cent.* 10. *col.* 633. *cent.* 11. *c.* 657. *Fasciculus Temporum. f.* 56. *Sigeberti Chro. Hermannus Schedel. chron. f.* 168. *Nauclerus vol.* 1. *Gener.* 50. *Crantzius Vandalia l.* 4. *Abraham Bzovius. Annal. Eccles. An.* 1291. *n.* 16. *Anno* 1298. *n.* 1. *An.* 1299. *n.* 22. *An.* 1399. *n.* 13. *An.* 1406. *n.* 20. *An.* 1407. *n.* 20. *An.* 1491. *n.* 7. *An.* 1505. *n.* 4. *Naucl. vol.* 1. *Chronogr. gener.* 44. *Cent. Magd.* 13. *c.* 15. *col.* 1287. 1288. (e) *Chron. Magn. Germaniæ, An.* 1036. *p.* 268, 269. *Hermanus Schedel. Chron. f.* 278, 289. *Genebr. chronogr. p.* 824, 825. *Jansenius, l.* 4. *Mer. Gallobelgici.* (f) *Johannis Bromton chron. col.* 1025. (g) *Socrates Scholast. l.* 7. *c.* 16. *Cent Magd.* 5. *c.* 14.

penly

penly crucified a Christian child in contempt and derision of Christs death and passion, at Inmestar in Syria; first nailing him to a tree, and lifting him upon high; then deriding and laughing at him; after that like mad men, scourging him as long as any breath remained in his body: whereupon there arose great contention between them and the Christians; and by the Emperours command, the Jews who had done this in jest, were punished in earnest, Anno 1172. [h] they crucifyed in like manner another Christian child at *Bloys* in *France*, and near the same time, the Jews at (i) *Bray* in *France*, crowned a Christian man (whom they accused for a Malefactor) with thorns, then led him publickly about the Town, scourged him with many stripes, and at last crucified him in contempt of Christ. Not long after the (k) Jews at *Paris* in *France*, in like manner impiously crucified a Christian child called *Richard*, and sundry others yearly. *Anno* 1236. (l) the Jews at the *Monastery of Fulda*, killed many Christian children *in a Mill, piercing them with ponyards, and squesing out their blood, to mix and knead it with their unleavened bread in their Passeover, as was generally reported, which being discovered, many of them were burnt to death for it, & the rest grievously punished.* Anno 1252. they massacred and crucified a Christian Child * at *Wissinburgh*. At (m) Prague in Bohemia, the Jews on Good-Friday in the year 1283. *shutting their gates, crucified a Christian man, having first of all done unto him in contempt, what ever they had learned was done to Christ by their Ancestors: which when the people had discovered, running to their arms, they raged cruelly against, and slew many of these impious Murtherers.*

The Jews (n) *Anno* 1286. stole away, cruelly tormented, pricked with ponyards, drew the blood, and impiously crucified a Christian Child called *Wernerus*, not far from the *Rhene* in *Germany*, barbarously murthering him after sundry torments. (o) *Anno* 1287. they tormented and crucified another Christian Child at *Bern* called *Ro-*

(h) *Sigeberti continuator. Cent. Magd. 12. c. 14. Cent. 13. c. 14.* [i] *Antonini Chron. pars 2. Tit. 17. sect. 26. Vincentius Spec. Hist. l. 29. c. 25. Guinus l. 6. de Francis, Cent. Magd. 12. c. 14. col. 170.* [k] *Vincentius Spec. Hist. l. 29. c. 25. cent. Magd. 13. c. 14. Munsteri Cosm. l. 2. p. 170.* (l) *Fragmentum Historicum Chronicon. Hirsaug. Munterus. Centur. Magd. 13. c. 14. Bzouius An. 1296. n. 16.* * *Bzouius Ecl. Annal.*

Anno 1252. n. 16. (m) *Cranzius. l. 7. c. 14. in Vandalia. Cent. Magdeb. 13. c. 14.* (n) *Chron. Hirsaug. Cent. Magd. 13. c. 14. Fasciculus Temporum, Aventinus Annalium Boiorum l. 7. p. 576.* (o) *Sebast. Munsteri Cosm l. 3. p. 482.*

dolphus, for which they were massacred and cruelly handled by the furious vulgar. The Jews at (*p*) *Trent* on Good-Friday, in the year 1475. tortured, whipped, pierced and crucified to death a Christian child, about 13 years old, called *Simeon*, in contempt of Christs passion and Christians, kneeding their Paschal unleavened bread with his blood, which History is as large related by the Marginal Historians; for which many of them were tortured, burnt slain, put to death, and others banished the City: yet 6 years after * *An.* 1480. they again perpetrated the like wickedness in crucifying and torturing a child at a Town called *Motta* near *Friuli*, for which 3 of them were carried prisoners to *Venice*, and there tortured and burnt to ashes. And to instance in no more particulars. *Vincentius Beluacensis Speculum Hist. l. 29. c. 25. Gaguinus l. 6. de Francis. Centur. Magd.* 12 and 13 *c.* 14. *Antonini Chron. p.* 2, 3. *f.* 17. *sect.* 8. *Mat. Par. Mr. Fox*, and † others record, 'That the Jews in *Paris* & elsewhere, did every year steal 'some Christian child or other brought up in the Kings 'Court, and carrying him to a secret house or vault, did on 'Good-Friday, or Easter-day, in contempt and derision 'of Christ and Christian Religion, crucify him on a Crosse '(as Christ was crucified) and that they had been frequently apprehended persevering in this wickedness; 'for which, upon Detection, they were usually murthered, 'stoned, burned, destroyed, hanged by the furious multitudes violence, or executed, imprisoned, banished by 'Christian Kings and Magistrates; yet such was their malice to Christ, that they would still persevere therein, 'and act it over again upon every opportunity: Which being so fully justified by these many particular presidents, proofs, authorities, in several ages, places, sufficiently refutes * *Menasseh Ben Israel* his bare-denial, and poor shifts to evade it, as false and scandalous. How can or dare we then receive into our Christian Island, such barbarous, bloody obstinate murderers, and inveterate, incorrigible, malicious enemies to, and deriders, despisers of our blessed Saviours death and passion, formerly cast out by our Ance-

[p] *Hermannus Schedel. Chron. f.* 285. 286. *Ant. Coccius Sabellicus Enead.* 10. *l.* 6. *p.* 742. *Bzouius An.* 1479. *n.* 13. *Munster. Cosm. l.* 2. *c.* 71. *p.* 300.

[q] *Chron. Herm. Sched. sexta Ætas f.* 186. *Sebast Munster Cosmogr. l.* 2. *c.* 57. *p.* 171.

* *Chron. Hermanni Sched. f.* 286. *Ætas* 6.

† *Purchas Pilgrimage, l.* 2. *c.* 10. *Sect.* 7.

* *Humble Addresses p.* 24, 25.

stors (amongst other things) for their bloody impieties and unchristian blasphemies of this nature, unless we first renounce both our Christianity and Humanity at once, and become as bad as the very worst of Jews?

7. "The Jews ever since their dispersions, in all ages, places to their power, have been more bitter enemies to "the Christians than the worst of Pagans, bending all "their studies, forces, wits, endeavours to hinder, oppugne, blaspheme, extirpate the Christian Religion, "and all professors of it out of the world; stirred up many bloody persecutions against them, upon all advantages, confederating both with *Julian* the Apostate, the "Pagan Persians, the Tartars, Sarazens, Turks, to murder and delete them, having a great hand in raising the "4th. persecution, and murdering, * stoning to death, "burning, destroying even those of their own Nation, "yea poysoning their own Wives, Children, for imbracing Christianity. Moreover they have raised up many "seditions, rebellions against Christian Princes, poysoned, destroyed some of them and their Nobles, yea, raised, occasioned many great popular Tumults, Commotions, Seditions against them in all ages, places, as "well as formerly here in *England*, As you may read at large in *Socrates Scholasticus*, *Eccl. Hist. l.* 7. c. 13. *Zonaras*, *Tom.* 3. *Paulus Diaconus*, *l.* 16, 17, 18. *Nicephorus Eccles. Hist. l.* 14. *c.* 14. *l.* 17. *c.* 6. *Ambrose Epist. l.* 5. *Epist*, 29. *Jerom. in cap.* 4. *ad Galatas*, *& in Abdiam*, *Sozomen*, *Hist. l.* 1. c. 8. *Mat. Paris Historia Angl. p.* 564. *Aventinus Annal. Boyorum*, *l.* 5. *and* 7. *Abbas Ulspergensis Paraleip. p.* 346. *Cent. Magd.* 4. *c.* 14, 15. *and c.* 3. *col.* 85, 86. *Cent.* 4, 5, 6, 7, 8, 9, 11, 12, 13. c. 3. 14, 15. Mr. *Fox Acts and Monuments*, *vol.* 1. p. 56. *Munsteri Cosmogr.* l. 3. c. 71. p. 482. l. 2. c. 71. p. 310. l. 3. *c.* 55. *p.* 583. 707. with sundry others. Upon this ground, certain Christians on the contrary, out of an over-furious zeal, have endeavoured to extirpate them all from under Heaven, unless they would turn Christians. *Anno.* 1101. (o) "*Emicho* a German Earl, and the Inhabitants near the *Rhine*, "pil-

* *Justiniani Codicis lib.* 1. *Tit.* 12. *Lex* 2. *Cent. Mag.* 4. *c.* 15. *col.* 1471. *Vincentius Beluacensis Speculum Hist. l.* 21. *c.* 78.

(o) Aventinus *Annal. Boyorum. l.* 5. *p.* 468. *Hedio in chron. Annot. Cent. Magd.* 11. *c.* 15. *col.* 689.

" pillaged, plundered, banished, slew and destroyed all the " Jews in those parts, who refused to turn Christians, slay- " ing no lesse than twelve thousand of them, many of the " Jews killing each other with their own hands, to avoid " their fury, but the rest receiving baptisme, and turning " Christians only to save their lives, relapsed to their Ju- " daisme again when the storm was over. In the year " 1146. one (p) *Rudolphus* a Monk, out of a misguided " bloody zeal, stirred up many thousands of people in " *France* and *Germany*, near the *Rhine*, to take up the " Crosse for the holy wars; exhorting them in his preach- " ing, that they should in the first place kill and destroy all " the Jews, remaining every where in the Cities and " Towns, as being the greatest enemies of Christ. The " seeds of which doctrine took such deep root in many " Cities of *France* and *Germany*, that in a tumultuous se- " dition and uproar, they slew most of the Jews in those " parts, but such who fled into fenced Cities and Castles, " under the protection of the Emperor *Fred.* the 1: which bloody doctrine and proceeding was reprehended by St. *Bernards* Letters to these people, informing them, " That " the Jews for their excessive wickednesses were not to " be slaughtered, but dispersed. In the year of Christ 1298. (q) one *Rindflaisch* an Husbandman in *Germany*, o- penly preached to the people; " That he was sent from " heaven, and specially chosen by God to root out the " Jews in all places: And proclaimed, who ever will " have the Christian Commonwealth to be safe, let him " follow me; Whereupon the people flocking to him in " great multitudes, and chusing him for their Captain, " sought out the Jews in *Wirtzburge*, *Nurinburgh*, *Ro-* " *tenburgh*, *Bambergh*, *Orenberge*, and all other Towns " and Villages in *Franconia* and *Bavaria*, and slew many " of them, the greatest part of them in these places, both " men and women obstinately setting their own houses " on fire, and burning both themselves, wives, children, " with their houses, household-stuff and goods together, " that they might not fall into the Christians hands. In

(o) *Otto de Gestis Fred. I. Imp. l. 1. c. 37. 38. p. 428. Cent. Magd. 12. c. 14. Genebrardi Chronogr. l. 4. p. 618.*

(q) *Aventinus Annal. Boiorum. l. 7. p. 589. See Munsteri cosmogr. l. 3. p. 547, 707. Cent. Magd. 13. c. 15. c. 1287.*

the

the year (r) 1349. "There being a great plague and mor-
"tality in *Germany*, the Jews were generally accused
"for the chief Authors or increasers thereof, by poyson-
"ing all the Wells and Fountains, to destroy all the
"Christians, and corrupting likewise some baptized Jews,
"and other Christians with money and charms so far, that
"they could willingly have destroyed and slain all
"their fellow Christians, which some of them confessed
"upon their examinations. Hereupon the Common
"people in great rage and fury (against their Magistrates
"and Bishops wills and commands, who neither could
"nor durst withstand their violence) fell upon all the
"Jews in *Bern*, *Friburgh*, *Argentine*, *Worms*, *Oppenheim*,
"*Francfort*, *Mentz*, *Spires*, and other places, slew, and
"brained many of them, burned other of them, hanged
"up many others upon Gibbets, pillaging, burning,
"breaking and pulling down their Houses, the Jews
"themselves in many of these places burning both them-
"selves, wives, children, goods, to avoid the enraged
"peoples fury; very few of them escaping, who were
"baptized to preserve their lives: The Inhabitants of
"*Spire*, fearing the air would be infected with the stink of
"the slaughtered Jews dead corps lying in the streets, al-
"though most of them were burnt, put them into empty
"Caskes, and threw them into the *Rhene*. All such who
"protected any of the Jews for money (as some did) were
"so murmured against, and hated by the people, that
"they were in great danger of their lives, which some of
"them lost, as *Albertus Argentinensis* records at large:
"Which sad calamity came upon them by Gods just judg-
"ment, many of them being found guilty of all sorts of
"wickednesses, poysonings, the murder of many Chil-
"dren, forging of Letters, counterfeiring and corrupting
"of moneys, thefts, deceipts, and other villanies, where-
"by they offended the Divine Majesty. To these I might
add many other such tumults, uproars, occasioned by, and
massacres, burnings and destructions of them for their vil-
lanies in *France*, *Spain*, *Germany*, and other parts, record-
ded

(r) M. Albert. Argentini Chro. & de rebus gestis Bertoldi. p. 147, 148, 149. 177, 178. Hermanus Schedel. Ætas 6. f. 258. See Abbas Ursbergensis Paraleip. p. 346. Seb. Munsteri Cosmogr. l. 3. c. 139. p. 563. 707. Fasciculus Temporum.

ded in *Hermannus Schedel. Chron. f.* 243, 248, 258, 271, 272. and *Genebrardi Chronog. p.* 461, 627, 660, 618, 688, 824, 830. *Abraham Bzonius, Annal. Eccl. Tom.* 15. *Anno* 1239. *n.* 9. Anno 1391. *n.* 8. *Anno* 1464. *n.* 44. *An.* 1491 *n.* 6. 7. *Cromerus de Rebus Polonor. l.* 25. with those forementonioned in *England*, and that of * *Norlingen An.* 1290. where many of them were slain by the Citizens, whom they had undone and ruined. And can we then in point of Christian piety or prudence now bring in such a generation of men as these amongst us, especially in these unsetled, unquiet, discontented times, to kindle new flames of discontent, and tumults amongst the people?

* *Munsteri Cosm. l.* 3. *c.* 306 *p.* 707.

(r) *Surius Concil. Tom.* 2. *p.* 735. *Gratian. Dist.* 28. *qu.* 5. *&* 29. *qu.* 8.

8. The (r) conversation of the Jews is so dangerous to Christians; that the 4 *Council of Toledo*: can. 59. 61, 62, made this Decree, 'The Conversations and Companies 'of evil men do oftentimes corrupt even the good, how 'much more then those who are prone to vices. Let there- 'fore the Jews who are converted to the Christian faith, 'have no further Communion henceforth with those, who 'still continue in their old Jewish rites, lest peradven- 'ture they should be perverted by their Society: 'Therefore we decree, that the Sons and Daughters of 'those Jews, which are baptised, that they be not again 'involved in the errors of their Parents, shall be sepera- 'ted from their company, and placed with Christian 'men and women fearing God, where they may be well 'instructed, and grow in faith and Christian manners, and 'that the Jews believing Wives, shall be divorced and 'separated from their Husbands, unless upon admoniti- 'on they turn Christians. The like was decreed by the * Council of *Basil Sess.* 20. and *f* nacted by the *Wisogothes Laws*; lib. 12. Tit. 2. 3. Yea [t] Pope *Alex.* the 3. Decretal. l. 6. c. 7. prohibited *all Christians, under pain of Excommunication to cohabit with the Jews, or keep company with them, because their manners and Christians accord in nothing, and they by reason of their continual conversation, and daily familiarity, might* **easily** *incline the minds of simple people* **to their superstition and infidelity.** And should

* *Surius Concil Tom.* 4. *p.* 58. 57.

(f) *Fredericus Lindebrogus Codex Legum, Antiq.*

(t) *Centur. Magdeb.* 12. *c.* 7. *col.* 1079.

not

not those men, who pretend themselves far greater Zealots than the *Goths*, *Spaniards*, or *Pope*, and the Popish Canonists (who decree the like upon the same reason) upon these very grounds much more oppose, prohibite their re-admission into *England*, in this giddy Apostatizing age, lest their Company and Society should easily seduce the unstable people to their Judaism and Infidelity, to Christs dishonour, their own damnation, and the infamy of our Church and Government? The rather, because if extraordinary care be not taken herein, under pretext of Jews, we shall have many hundreds of Jesuites, (who derive both their Name and pedigree from the *Jews*, even from **Jesus** and his **family of the Jesuits**, Num. 16. 44., as some of them affirm in print, though others from other grounds.) of Popish Priests and Friers come over freely into *England* from *Portugal*, *Spaine*, *Rome*, *Italy*, *Poland*, and other places, under the title, habit, and disguise of Jews, of purpose to undermine our Religion, Church and State, and sow the seeds of Heresie, Blasphemy, Popery, Superstition, Schisms, and Divisions amongst us; they having formerly sent over some of late years amongst us, under the notion and vizard of *converted Jews*, as *Ramsey* the *Scot*, and *Eleazer*, and *Joseph Ben-Isaiah*, all *Jesuitical*, wicked, cheating Impostors: the two last whereof, have cheated the honest people of the Nation of many thousand pounds, being notorious Villains, one of them formerly a Trooper and Plunderer in *Prince Ruperts* army, as he confessed to his Hostesse at *Dursly* in *Glocestershire* in his drink, where he would have ravished the Maid-servant of the house, locking the door upon her, whiles she was warming his bed in the night, and upon her crying out for help, fled away presently in the night, to avoid apprehension; And yet wanders about cheating the people in other places, instead of being brought to *Tyburne* for his Villanies. And if they abuse and cheat us thus already, much more will they doe it upon, and after the Jewes admission.

* *Hospinian Historia Jesuitica, l. 1. c. 2.*

9. To pretermit their *banishment out of Rome* by the Emperor *Claudius*, recorded *Acts* 18. 2. and that as [t] *Ecclesiastical Historians* report, for their *cheating*, and *tumults there raised*. I shall only in brief relate, how they have from time to time been banished, expelled many Christian Cities, Countries, Kingdoms, and their Synagogues burnt and destroyed, especially for their Infidelity, and other forementioned Misdemeanors, Crimes, Villanies. [u] About the year of Christ 430. at the instigation of St. *Cyril* Bishop of *Alexandria, and the Christians there, they were expelled and banished that famous City, where they had long inhabited for their insolencies, & seditious conspiracies against the Christians.* The [x] *Emperor Phocas*, about the year 605. banished them out of the City of *Antioch*, for the tumults they had there raised against the Christians and Government. The * 6 Council of *Toledo Anno* 686. c. 3. informs us, That King *Chintilla* by the inspiration of the most high God, inflamed with the ardor of Faith, utterly extirpated the Infidelity, prevarications and superstitions of the Jews, neither would he permit any one of them to live in his Realm, who would not become a Christian: For which this Council highly commended him, rendered special thanks to God for it, and withall enacted by the consent of the Nobles, that every King of *Spain* in future times, before he should be installed and crowned King, should take an Oath, That he would not suffer the Jews to violate the Christian Faith, and that he would in no wise favour their infidelity, through any kind of negligence or covetousnes, nor give entrance to any thing tending to the precipices of infidelity & prevarication, &c. About the year of Christ, 615. they were banished out of *Jerusalem* it self, by *Heraclius* the Emperour, as *Zonaras, Tom.* 3. in his life: *Paulus Diaconus, rerum Rom.* l. 18. & *Cent. Mag.* 7. c. 4. storie, & near that age, out of *Arverna Bibl: Patr. Tom.* 6. part. 2. p. 243. Venantii Fortun. l. 5. c. 5. About *Anno* 616. [y] King *Sisebutus* banished them all out of *Spaine*, unlesse they would turn Christians, which the

(t) *Orosius l. 2. c. 6. Cent. Magd. 2 col. 26 Euseb. l. 2. c. 8. Opmeri Chron. p. 185. Metamerus de Academiis Hisp.*

[u] *Socrates Schol. Eccl. Hist. l. 7. c. 13. Agobardus de Judaicis superstit. Bibl. Patrum. Tom. 9 pars 1. p. 564. Cent. Magd. 4. col. 1081. 1490*

[x] *Paulus Diaconus, l. 17. Zonaras Tom. 3. Cent. Magd. 7. c. 15. col. 588.*

* *Surius concil. Tom. 2. p. 742.*

[y] *Rodericus Toletanus de Rebus Hisp. l. 2. c. 17. Vasæus Chron. Hisp. p. 685. Jo Mariana de Rebus Hisp. l. 6. c. 3. Sigeberti chro. Ado Viennensis. Opmeerus Orbis universi. Chronogr. p. 355 Cent. Magd. 7. c. 14. Genebrar. Chronogr.*

the most of them refusing to doe, departed thereupon into *France*, as the marginal Authors unanimously attest. About the year 618. they were all banished out of *France* by King *Dagobert*, unlesse they would renounce their Judaism, and turn Christians, upon the command and instigation of *Heraclius* the Emperour; as *Regino*, Chron. l. 1. & *Cent. Magdeb.* 7. c. 14. relate. King *Wamba* about the year 710. banished them out of the Province of *Narbon*; as *Rodericus Toletanus de Rebus Hisp. l.* 3. *c.* 11. informs us. About the year 1196. they [z] were *banished out of the City of* Mentz, and near the same time out of the City of *Triers*, and the Bishoprick thereof, by Bishop *Everhard.* [a] *Philip Augustus* King of *France* banished them all out of *France* by several Edicts, *Anno* 1152. 1162. & 1182. for these reasons: 'Because they had divers times crucified children of 'Christians in *Paris*, and elsewhere, in contempt of 'Christ and his passion; entertained Christian men ser- 'vants and maid servants in their houses, who did like- 'wise play the Jews with them, contrary to the Decrees 'of God and the Church; above measure oppressed, im- 'poverished by their Usuries, the Citizens, Knights, 'Gentry, and Country people both in the Cities, Sub- 'urbs and Villages of *France*, and detained some of them 'prisoners in their houses, like captives, binding them 'by an oath, not to depart out of them; most vilely pro- 'faned the sacred Vessels pawned to them by Church- 'men in cases of necessity, causing their little children 'ordinarily to drink wine and eat sops out of them, yea 'to lay their excrements in them (as* *Petrus Cluniancensis* 'records, in contempt of the Sacrament) and casting the 'silver Vessels, Crosses, and guilded Books of the Gos- 'pel pawned to them, into a Jakes in a sack, that the 'Christians might not find them, and because the Sara- 'cens upbraided the Christians for entertaining them a- 'mongst them, being the professed Enemies of Christ: 'Upon these grounds, as also because their wealth and 'number were so increased, that they had almost gotten

[z] *Cent. Mag. xi. c.* 14. *&c.* 15. *col.* 689.

[a] *Vincentius Belu. Spe. Hist. l.* 29. *c.* 25. *Antonini Chron. pars* 2. *Tit.* 17. *c.* 9. *Mat. Paris Hist. Angl. p.* 861. *Abbas Usperg. Paral. p.* 346. *Herman. Schedel. Chro. f.* 231. *Cent. Mag.* 12. *c.* 15. *col.* 1781. *Genebrardi chron. l.* 4, *p.* 638. *Fox. Acts & Mon. Vol.* 1. *p.* 423, *Cooks* 2 *Inst. p.* 507. *Seb. Mun. Cos. l.* 2. *c.* 57. *f.* 117. *Bzovius Annal Eccl. An.* 1198. *n.* 3. * *lib.* 5. *Epist.* 33. *Cent. Mag.* 12. *c.* 14.

'half the city of *Paris* into their hands, King *Philip* caused them to be all apprehended through *France* in one day, as they were in their Synagogues, then * spoiled them of all their rich gold and silver garments, confiscated all their Lands, Houses, possessions, and banished them the Realm, notwithstanding the intercessions of many Bishops and Nobles (bribed with their gold and gifts) in their behalf, and the proffers of great sums of money to him by the Jews, wherewith he would not be mollified. After which, he caused their Synagogues to be prophaned, and then consecrated and converted to churches, that so where Christ was first blasphemed after the manner of the Jews, he might in the same places be praised both by the Clergy and people, as *Vincentius* records at large. After this, creeping into that Realm again by *money and bribes*, they were [b] *again banished out of* France, and their goods confiscated by King *Philip the Fair*, in the year 1293. as some, or 1307. as others compute it, and driven into *Germany*. In the year 1349. at the earnest importunity of the people they were all banished out of (c) *Alsatia*, and the *Imperial Cities*, by the agreement of the *Bishops and Nobles*, and most of them burnt and destroyed, as they had been formerly in those parts by Earl (d) *Emicho*, An. 1102. who then banished them thence. *Ludovicus* Duke of *Bavaria*, about the year 1425. *banished all the Jews out of* his Territories, as *Æneas Picolomineus* in his *Europæ status sub Frederico*, l. 3. c. 32. p. 79. assures us: and that for conspiring against the Christians, &c. *Procul ejicienda Gens impia finibus, quæ in contumeliam Christi & in subversionem vergit Christianorum: as* * *Abraham Bzovius writes.* The Jews were banished out of the * *Kingdome of Castile* by *K. John the* 2. about the year 1430. (e) In the

To which the Epistle of Petrus Cluniacensis to him lib. 5. Epist. 33. encouragd him, wherein he proves is lawfull.

[b] *Æmilius l.* 8. *Gaguinus, l.* 7. *Genebrardi chronogr. l.* 4. *p.* 634. 660, 667. *Heylins Microcosme, p.* 576.

[c] *Alberti Argentinensis chron. p.* 147, 148. *De Rebus Gestis Bertoldi p.* 177, 178.

[d] *Aventinus Annal. Boior. l.* 5. *p.* 468. * *Munsteri Cosmogr. l.* 2. *c.* 20. *p.* 78. * *Anno* 1425. *n.* 15.

(e) *See Munsteri Cosmog. l.* 2. *p.* 72, 73. 171. *Bzovius Annal. An.* 1424. *n.* 2. 44. *An.* 1497. *n.* 16. *Hieron. Conneſtaggius de Portugal, & Cast. conjunct. p.* 1064, 1065. *Vasæus Chron. Hisp. Johan. Mariana de Rebus Hisp. l.* 26. *c.* 1. 3. *The general History of Spain in their Lives. Genebrardi chronog. p.* 380, 634, 660, 667, 703, 705, 708. *Heylins Microcosme, p.* 507. *Opmeri Chronogr. p.* 429.

years

years, 1474. 1482. and 1492. they were all banished out of *Spain* by King *Ferdinand*, surnamed *the Catholique*, from whence they were transported and received into *Portugal*, they paying to King *John* the 2. 8. *Duckets for every poll of them at first, for their admission*; which much *augmented his Exchequer*, though it diminished his piety and honour. Not long after, Anno 1497. they were *driven and banished* out of *Portugal* by King *Emanuel*: And in the year 1539. they were *banished out of* Naples *and* Sicily *by* Charles *the* 5th. To which I might adde the destruction, burning and utter extirpation of the Jews by the *Rubeaquenses*, Anno 1309. and 1338. *Munst. Cosm.* l. 3. p. 547. * Their banishment out of *Germany*, Anno 1385. out of *Misnia* and *Thuringia* Anno 1410. out of *Wormes* and *Spires*, Anno 1092. *Munsteri Cosm.* l. 3. p. 582. Out of *Prague*, by *Wratislans* for hating and slaying the christians, *Geor. Bartholdus Pontanus Bohemiæ Pic.* l. 2. p. 20. Out of *Berne*, Anno 1287. *Munsteri Cosm.* l. 3. p. 582.* Out of *Trent*, Anno 1475. for crucifying a child: And out of **Rome* it self, Anno 1508. by *Pope Pius quintus*, for their horrid extravagant usuries, oppressions, combining with Theeves and Robbers, *Forgeries, and ungodly charmes in wooing of women to their lusts.* Having therefore been thus frequently banished by Christian Kings, Princes, from time to time, at the earnest sollicitation of their godly christian Ministers, Bishops, people; and by our King and Parliament too out of * *England*, so long since, never to return again, what shadow, colour of piety, policy, prudence, justice, law, reason, there can be for any person or persons whatsoever to re-admit them (except the argument of dishoneſt, private, filthy under-hand Bribes or Lucre, by which they usually screw themselves into those places, whence they have been exiled) transcends my shallow capacity to comprehend, especially at this season, when we are so over-stored with *English*, that some think of sending and planting Colonies in another world, whither these Gold-thirsty Jews may do well to transplant

* *Bzovius Annal Eccl. Tom.* 15. *An.* 1385. *n.* 22. *& An.* 1410. *n.* 35. *An.* 1475. *n.* 13.

**Chron. Herman. Schedel f.* 275, 276. *Munster. Cosm. l.* 2, *c.* 71. *Sabellicus Ænead l.* 10. *p.* 472. **Hiero Rubeus Hist. Raven. l.* 11.

* *Annales Domin. Colmariensium, p.* 25.

plant themselves, if they be weary of their former habitation.

10. The forecited Christian Authors, Historians, old and new, much applaud and magnifie those Christian *Emperors, Kings, Magistrates, States, who have most opposed, restrained, suppressed by* (f) *severest Laws, Edicts, the Jewish Synagogues*, Ceremonies, Superstitions, Rites, Abuses: and banished these Antichristian Blasphemers and Enemies of Christ Jesus out of their Kingdoms and Territories, especially for their Infidelity, and censured those who favoured them. And *Matheus Flacius Illericus*, *Johannis Wigandus*, *Andreas Corvinus*, *Thomas Holthuter*, 4 famous learned Protestant Historians and Divines, in their laborious, learned Ecclesiastical centuries, as they every where do the like: So in their 12 Cent. cap. 7. col. 1078, 1079. they pass this sharp censure against the Decrees of (g) *Pope Alexander the* 3. and *Clement* the 3. '(prohibiting the Jews to build any new 'Synagogues where were none before, yet tollerating 'them only to repair old ones where they were fallen 'down and defaced, to use their rites in; *But withall* for- 'bidding all christians under pain of Excommunication, 'any communion with them, for fear of being seduced to 'their Superstitions, &c.) Denique ut **extremam** Roma- 'norum Paparum **impudentiam et stupendam impieta- 'tem videas,** non pigebit eorum Decreta, **pro blasphe- 'ma in deum gente Judæorum lata,** adscribere; (though 'some Popish Schoolmen, as *Alexander Alensis*, Sum- 'ma Theologiæ pars 2. *qu.* 61 *Aquinas* 2. 2. quest. 10. 'Art. 9, 10, 11, 12. Scotus in l. 4. Sent. dist. 4. qu. 9. 'are not ashamed to justifie, Quod ne deterius quid contingat, & aliquo modo bonum eliceatur, tollerandi sunt Judæi ritus suos servare, to gratifie their Popes herein, wch 'they likewise affirm of the idolatrous Gentiles rites and 'worship, as well as of the Jews.) And *Peter Heylin* in 'his *Microcosme*, p. 569, 570. *writing*, That the Jews 'having been put to divers fines and ransoms, they are 'at last even thrust quite out of *Europe* also. They were 'bani-

(f) See *Justiniani Codicis* l. 1. *Tit.* 10, 12, 13. *Concil. Meldense* c. 73. *Surius concil. Tom.* 3. c. 465, 466. *Leges wistgoth.* l. 12. *Tit.* 2, 3. *Surius concil. p. Tom.* 2. 277, 608, 640, 679, 696, 674, 680, 734, 735, 1092 *Tom.* 3. p. 552. 622, 670, 726. 754. *Cent. Mag.* 4. *col.* 541. 1461. *cent.* 6. *col.* 824. *cent.* 7. *col.* 588.

(g) *Surius concil. Tom.* 3. p. 726.

'banished out of *England* by *Edward* the 1. Anno 1290. 'Out of *France*, *Spain*, *Portugal*, *Naples*, and *Sicil* (by the 'Kings forecited) subjoyns by way of censure: Yet are 'they found in great numbers in the *Romish part* of *Ger-'many* and *Poland*, in most Cities of *Italy*, especially *Rome*, 'where there are no lesse than 15000 or 20000 of them, 'and also in the Popes country of *Avignon*. The reason 'why they are permitted to live thus under our holy Fa-'thers Nose, is forsooth, **an expectation of their conver-'sion, which is a meer pretence, the reason being in-'deed the benefit hence arising to his Holinesse coffers**, 'but the hopes of their convertion is small, and the 'means lesse, &c. And therefore we cannot now re-admit them into *England* upon the self-same pretence, and ground of gain; without incurring the like censures from Protestants and Papists too; and bringing intollerable Scandal, Dishonour, Reproach, both on our Nation and Religion, in these times of pretended highest Reformation; they being the professed Enemies of our Lord Jesus Christ, 'who will not have him to rule over them, '*Luk.* 19. 27. and so odious to the (*b*) very *Turks* them-'selves for crucifying Christ, that they oft use to say in 'detestation of a thing, *I would I might die a Jew.* Nei-'ther will they permit a Jew to turn Turk, unless he be 'first baptized.

Nota.

[*b*] *Heylins Microcosm,* p. 570.

11. Many of the wisest Heathen Law-givers, Politi-tians, States, have specially prohibited 'the introducti-'on and habitation of foraigners amongst them. Hence '(*i*) *Lycurgus* the famous Legislator, and the Spartans by 'his Law and advice, expelled all foraigners out of their 'city and country, lest by insinuating themselves amongst 'them, they should teach their Citizens some ill, in-'troduce foraign manners, & an ill disordered kind of life; 'upon which ground they also prohibited their Citizens 'to travel into foraign countries. Upon these grounds the 'Thebans & Apoloniats (in imitation of the Spartans) ba-'nished all foraigners out of their City, as Ælian Var. Hist. 'l. 13. c. 16. *Alexander ab Alex. l.* 4. *c.* 10 record. *Pla-*

(*i*) *Alexander ab Alexandro, l.* 4. *p.* 303. *Plutarch's Laconica institut. Xenophon de Lacædem. Republica, Thucidides, Cœlius Rhodiginus antiquar. lect. l.* 18. *c.* 5. *Boemus de moribus Gent. p.* 199.

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to the Philosopher *Dialogo* 12. *de Legumlatione*, though he permits foraigners by way of study, trade, travel, and embassie to come into his city and Republike *under certain Laws, and Rules*, yet he totally secludes them from *inhabiting therein*, or to trade, without *strict Laws* to prevent their danger, upon this ground; *Solet enim civitatum in commerciis permixtio, varios mores civitatibus ammiscere, dum externi externis vicissim novationes inducunt; quæ res civitatibus, per rectas leges benè institutis* **maximum detrimentum affert.** * *Aristotle* observes, That the bringing in of foraigners is the principal cause of seditions, tumults,, 'Qui inquilinas aut advenas recipiunt in civitatem, Hi fere omnes aut certe plurimi **seditionibus conflictantur.** (k) Dr. *Jo. Case* gives the reason of it. Nam 'ut nihil citius corpus humanum inficit, quam pestilen-'tium vaporum malis humoribus copulatio; ita **nihil 'velocius corrumpit Civitatem, quam peregrinorum 'admissio,** in qua contagio & venenum latet. *And hereupon he raiseth this question from* Aristotles *Text*; Utrum 'periculosa sit in Rempublicam peregrinorum admissio? '*And thus resolves it.* It is perillous to take Snakes into 'the bosom, and Foraigners into the Commonweal; for 'as they being refreshed with heat do bite and sting: So 'these being enfranchised destroy the Republike. To prove 'this by arguments, we may consider, that every Nation 'hath its proper ceremonies which they bring along with 'them, and do not change with the climat when they 'come into another Countrey; Wherefore there is great 'danger, lest by receiving strangers the ancient manners 'and Laws should be changed into new and foraign. 'Now what sooner begets sedition than alteration of 'Laws and Customes? (as we may see even in sundry Scripture examples, which he remembers not, and of the Jews especially *Acts* 14. 2. to 7. 16. c. 16. 19. to 25. c. 18. 5, 6, 7. 17, 18, 19. c. 17. 12. to 18. c. 19. 24. to 41. c. 21. 27 to 40. c. 22. 22. &c. c. 23, & 24, & 25.) 'What therefore is more perillous than the admission of 'Foraigners into our Commonwealth? Moreover where-

'fore

* *De Repub. l. 5. c. 2.*

(k) *Sphæra civitatis l. 5. c. 3 p. 435. 437, 438.*

'fore hath Nature instructed like to associate together 'with like, if it should draw men of strange and different 'manners into a Republike? Nature will not that sheep 'should be associated with wolves, neither wills Prudence 'that Natives should be coupled with Foraigners; For 'Philosophy perswades this, that contraries cannot 'dwell in the same place, but strangers for the most part 'are Enemies to the Citizens with whom they converse. 'Adde to this, that as Locusts are to the Corn, so are 'Foraigners to the Republike, for as they doe wast and 'consume the grain of Corn, so these devour the fruit of 'the Commonwealth; for although they are branches of 'the same plant, yet they suck not wholsom juyce, but 'poyson from the root, wherewith at length the whole 'plant being infected, perisheth. *This he proves by several 'examples out of* * Aristotle *himself, by the* Trezenii, Zan- 'clei, Sybarites, Bysantii, Antissiæi, Apoloniatæ, Chii, 'Syracusani, Amphipolitæ, who by receiving strangers 'into their cities and countries were all much infested, 'some of them quite supplanted and ejected by them, the 'rest enforced to expel them by force of arms. *Then he 'subjoyneth*, That the strangers admitted among Gods own 'people, proved briars and thorns unto them; and *Solo- 'mon* himself by many strange women fell into Idolatry; '*concluding thus*, The *Spaniards* in my opinion did not 'unjustly **banish the seditious Jews out of their Coasts**: 'propius non accedo, sed Christum oro, ne peregrino- 'rum turba immanis turbo in civitate fiat. As these Grecians in ancient times prohibited the introduction of strangers amongst them, for the forementioned reasons, so likewise did some of the wisest Romans: *Pennus* in ancient times, and *Papius* after him (as [*l*] *Cicero* relates) *Peregrinos Urbibus prohibent, eosque exterminant*; which although he thus censures as an inhumanity; *Suverò urbis prohibere peregrinos, sanè inhumanum est*; Yet he intends it only of excluding strangers from all trading and commerce, not from cohabitation, as Denizens, from which he holds it just to debarre them, there being a

* *De Republ. l. 5. c. 2. 3. See Thucidides Hist. l. 6. p. 506.*

(*l*) *Cicero de Officiis l. 3.*

special Law then in force for that purpose, which he thus expresseth: *Nam esse pro cive qui civis non sit*, RECTUM EST NON LICERE: QUAM LEGEM TULERUNT SAPIENTISSIMI CONSULES, *Crassus & Scævola.* Hence *Claudius* the Emperour *banished the Jews out of* Rome, *Acts* 18. 2 and *Suetonius* in his life. And the mischief of admitting forraigners is largely argued in [*m*] *Cornelius Tacitus*, who were after his time banished out of *Rome*, as [*n*] *Cœlius Rhodiginus* relates out of *Ammianus Marcelinus*; So the [*o*] *Carthaginians*, *Scithians*, *Scythotauri*, *Gamphasantes*, *Seres*, *Indians*, *Ægyptians* in some places; the *Epidauri*, & *Athenians* also excluded forraigners their country, company & conversation; *Ne cives longo usu dissimiles mores imbuerent, & in alienas leges ritusque transirent*, as *Alex. ab Alexandro*, *Gen. Dierum l.* 4. *c.* 10. and *Boêmus de Mor. Gentium* record. Yea we read of the (*p*) *Tartars* and most politick Inhabitants of *China*, at this day, 'that they will admit no strangers into their Countries, so much as to travel or traffick, for fear of discerning their secrets, and corrupting 'their manners, and those few they admit by special licence to enter into their Country, they will by no means 'suffer to return thence, nor permit Merchants and Mariners there trading to walk abroad publikely in their 'Cities and Countries, nor to lodge on land, but only in their ships. And to come nearer home, our Kings heretofore upon the grievous complaint of the Nobility, Gentry, People, have frequently banished all strangers out of *England*, as the greatest pests, inconveniences and grievances to the Natives. 'Thus in the reign (of *a*) King 'Edward the Confessor, *Anno* 1052, All the Normans, 'except two or three were banished out of *England* for 'giving ill counsel to the King, and incensing him against 'the English, by agreement both of the King and Parliament. So King (*b*) *Henry* the 2. in the 1 year of his 'reign, *Anno Dom.* 1154. or in the second year of his 'reign as others write, commanded all strangers to avoid 'out of the Realm, by Proclamation, by a certain day

'un-

(*m*) *Page* 218, 219, 220.
(*n*) *Antiqu. Lection, l.* 18. *c.* 5.
(*o*) *Alexander ab* Alexan. *Gen. Dier. l.* 4. *c.* 10.
(*p*) *Purchas pilgrimage, l.* 4. *c.* 13. 19. *p.* 537, 538.
(*a*) *Will. Malmesb. de Gestis Regum l.* 2. *c.* 13. *Mat. West. Fl. Florentius Wigornienses Huntindon*, Hoveden, *Polychron. Brompton, Speed, and others.*
(*b*) *Nubrigensis, Trivet. Polydor Virgil. in H.* 2. *Holinsh. p.* 65. *Grafton chron. p.* 50. *& others;*

'under great penalty, especially the *Flemings* and Souldi-
'ers, who committed all kinds of mischief, under pre-
'tence of a liberty permitted to Souldiers by the Law of
'arms in time of war. In the year 1220. (e) King *Hen.* the
'3. by his Proclamation commanded all strangers, to avoid
'the land by *Michaelmas* next following, except such as
'came with Merchandize to make sale of their wares un-
'der the Kings safe conduct: After which the (d) *Poi-*
'*touvines* coming into *England* in great number, obtai-
'ning great offices about the King, miscounselling, sedu-
'cing and encensing him against the English Nobility,
'and ingrossing the wealth of the Kingdom into their
'hands, were assaulted, plundered, and many of them
'inforced to retire out of *England* by the Barons in the
'year 1258. And the next year after they were all baui-
'shed out of *England* by Edict of Parliament. After which
'they returning, and oppressing the Realm, were again
'expulsed and exiled by the Barons *Anno* 1260. So in
'the (e) Parliament of 4 *Ed.* 2. *Anno* 1311. It was ordain-
'ed by the Archbishops, Bishops, Earls, and all the Com-
'mons in Parliament, amongst other things, That the
'King should banish all Foraigners out of his Court and
'Kingdom, as his Father had commanded him; which
'the King obliged himself by Oath to performe: And
thereupon banished his own Minion *Pierce Gaveston* into
Ireland. Which practices and proceeding of all these re-
cited Nations and our Ancestors, being if not grounded
on, yet at least warranted by Gods own *forcited Precepts* to
the Israelites, & being warranted *by the Jews own practise,*
who had no dealings with the Samaritans, *John* 4. 9. and the
Samaritans reciprocal carriage *towards the Iews, whom*
they would neither lodge nor entertain, Lu. 9. 51, 52, 53.
Why we should not upon this account seclude those a-
lien Jews, so different from us both in manners, customs,
Laws, Religion, and obeying not the Laws of our Sa-
viour Christ Jesus, *it being not for the* Kings or the King-
doms *profit to suffer them*, (as *Haman*, Esther 3. 8. once
said of them in another case) I referre it to all wise

(c) *Holinshed p.202. Grafton p. 119. Speed, p. 513. Matth. Paris, Hygden, and others.*

(d) *Mat. Paris Hist. Angl. p. 973, 976, 983, 989, 990. Mat. west. An. 1258. 1269. See Daniel, Holinshed, Speed, Baker, and others.*

(e) *Walsingham Hist. Ang. p. 71. Ypodigm. Neustriæ, p. 99. See Holinshed, Speed, and others.*

Statesmen to resolve, since it may be truly said of such unwelcom guests.

Turpius ejicitur quàm non admittitur hospes.

Neither will this contradict that Gospel precept, *Heb.* 13. 2. *Be not forgetfull to entertain strangers:* or *Deutr.* 10. 18. 19. c. 23. 7 *Mat.* 25. 35, 43. *which extend only to Christian hospitality, liberality, and pity towards private distressed exiles, travellers,* and other strangers, coming to lodge or sojourn with us for a short season into our houses or country, upon extraordinary or just occasions, especially such who stand in need of our releif, and *are of the Houshold of Faith,* as is clear by the Texts themselves compared with *Rom.* 12. 13. 1 *Pet.* 4. 9. 3. *John* 5. *Gal.* 6. 10. not to Infidels Jews, Pagans, or who are in no such absolute necessity nor stand in need of our charity or reception, nor yet to the reception of any forraign Nation or Colony into our Island, to coh abit perpetually with us (the only point in question) which the Scripture no where commands nor intends, but disallows in the aforecited Texts, & *Neh.* 9. 2. c. 13. 30. And these Scripture expressions, *Prov.* 5. 10. *Lest strangers be filled with thy wealth.* Isay 1, 7. *your lands strangers devour in your presence, and it is desolate as overthrown by strangers.* Lam. 5. 2. *Our inheritance is turned unto strangers, our Houses to aliens.* Hosea 7. 9. *Strangers have devoured his strength, and he knoweth it not;* sufficiently manifest both the illegallity, folly and sad consequences of our receiving Jews and other strangers in such a nature, of which our Ancestors had sufficient experience in the Jews themselves, enforcing them for ever to exile them hence: who have places enough in many other parts of the world where they now inhabit in peace and plenty, and enjoy their Merchandizes and other franchises, together with their *Schools and Synagogues,* as *Benjamin* the Sonne of *Ionas* a Jew records at large in *his Peregrination:* together with Mr. *Samuel Purchas* in his *Pilgrims,* l. 9. c. 5. And *Menasseh Ben-Israel* him self confesseth in his *Epistle Dedicatory and Addresses,* where thus he writes; *Our Nation at the present is spread*

* Here p. 6.

all

all about, and hath its seat and dwelling in the most flourishing parts of all the Kingdoms and Countries of the world, as well in America, as in the other three parts, (which he prosecutes more at large, p. 3, 4, 5, 6, 7, 8, 9. boasting of their extraordinary wealth, Offices, Power and Priviledges in other places.) *And therefore this only remains in my judgement,* **Before the Messia come and Restore our Nation** *that first we must have our seat here likewise*: therefore having so much Elbow-room already throughout the world, their reception here will be no act of piety or charity in us, neither do they presse it as such; but an act of the highest impiety, they now insisting on it as a necessary preparative to the coming of their long expected false *Messia*, to restore them to their *temporal Kingdom* again, *and Fathers inheritance*, as he expresly writes.

These general Reasons against the Jews readmission premised, which I hope will satisfie most men, I shall conclude with some particular Reasons, drawn from late published *Declarations*, of our Grandees, which I conceive will best satisfie them of any other: and for this end, (I hope without any just offence, or *Scandalum magnatum*) I shall crave leave to presse them home in this common cause, for the defence of the Glory, Honor, Scepter, Gospel, Kingdome of our Lord Jesus Christ, *the only* (q) *Potentate, the Prince of the Kings of the Earth, the King of Kings, and Lord of Lords, the head of all principality and power, and God over all blessed for ever, before whose feet all other subordinate Kings and Potentates whatsoever ought to* (r) *prostrate, not only their persons, but Crowns, and most peremptory Royall Wills and Edicts too; for whose pleasure, honor and glory alone, all things and powers likewise both are and were created*: in whose cause we must be most [ſ] *bold and zealous, not fearing the faces of any Mortals.*

[q] 1 Tim. 6. 15. Col. 2. 10. & 16. Rev. 1. 5. c. 17. 14. c. 19. 16. Rom. 9. 4

[r] Rev. 4. 9. 10, 11, c. 19. 4. Rom. 11. 36.

[ſ] Ezech. 2. 3. to 9. Acts 4. 19. 20. c. 5. 29. 30, &c.

My 1. Reason shall be drawn from the very words of the *Declaration* of 21. Novemb. 1655. *inviting the people of this commonwealth to a day of solemn Fasting and Humiliation*, on the 6. *of December* last (a * *day of trouble and of rebuke*,

* 2 Kings 19. 3.

buke, of *blasphemy*, *& provocation*, in respect of the violence acted on it that time seven years, *when the children were come to the birth, and there was no strength to bring forth*, but only to obstruct and pull out the Members, to prevent our peace and settlement.) The principal cause whereof they Declare to be; *The abominable Blasphemies vented and spreading of late, through the Apostacy of, and the abuse of Liberty by many professing Religion. And to joyn with them in solemn and earnest supplications to the throne of Grace; That the Lord will disappoint the designs of those, that labour to lift themselves up against the interest of Christ and his people: That he will rebuke the foresaid Evils, and give his people to know the things that belong to their Peace, that so we may with one heart and shoulder serve the Lord, both theirs and ours.* The Jews of all other Nations in the world, are the greatest venters, spreaders of abominable * *Blasphemies* against our Saviour and the Gospel; the greatest Apostates from God and abusers of Liberty of any professing Religion; The greatest designers, plotters and lifters up of themselves against the interest of Christ and his people; as the Premises undeniably evidence: And their introduction amongst us at this season, when the generality of the people, and professors of Religion likewise are so bent to Apostacy, and all kind of Errors, of Novelties in Religion, will no ways allay, but most certainly increase the venting and spreading of abominable Blasphemies amongst us, multiply the Apostacies of, and abuse of liberty by the professors of Religion, and make thousands in probability turn Apostate Jews, instead of converting any of the Jews to Christianity. It will not disappoint, but most of all advance the designes of those that labour to lift up themselves against the interest of Jesus Christ and his people; this being (as some justly fear) the Jews very end and plot in pressing now to be received amongst us, *to seduce us unto Judaism*, to which many are now inclined; and to *deny our Saviour Christ in words, as too many have* [t] *denied him in their works, and some in their opinions of late years.* It will not rebuke, but fo-

* Acts 13. 45. Rev. 2. 19.

[t] Tit. 1. 16. 2. Tim. 3. 5. 2. Pet. 2. 1. Jud. 4. 1 Joh. 4. 3.

foment the foresaid Evils; obstruct Gods people both from knowing and pursuing the things that concern their peace; and instead of enabling them with one heart and shoulder to serve the Lord, divide them into more *Sects and Schisms, than formerly*, and set up *Judaism* to affront Christianity with *open face*, as 2 Pet. 2. 1. Jude 3. 4. &c. Tit. 1. 10. 11. 1 Joh. 4. 3. 2 Joh. 7 resol.: & so multiply the late *Rebukes* and Judgements of God upon the Nation. Therefore their re-admission into *England* after such a *Solemn Declaration*, and *Day of Humiliation* as this (and some others formerly prescribed, observed through the Nation, for the late *monstrous growth and spreading of Errors and Blasphemies amongst us*,) if resolved and effected, will be reputed by God and Men, A most palpable violation, yea contradiction of this *Declaration* and *Humilation*; a most *hypocritical, Atheistical* mocking of God himself to his face; a most prophane abuse, and perversion of this *Solemn Fast and Humiliation*; a frustration of all the prayers, hopes of most religious people thereon, who observed it for far other prescribed ends, and an high Provocation of Gods severest wrath against the perverters of it, to this very end, to *introduce the long-since banished Jews*, the debate whereof was proposed immediately before, and began the very next day after it.

My 2. Reason shall be deduced from the *Declaration* of the 24 *Novemb.* 1655. in order to *the securing of the peace of the Commonwealth*; Declaring *it necessary to use all good means to secure the* Peace *of the Nation, and prevent future troubles within the same.* The bringing in of the Jews at this season, when the people are so generally divided, discontented, and declare (for ought I can learn) their highest, unanimous dislike, and detestation of it, is the most probable means *to disturb the peace of the Nation*, and to engender future new troubles, Tumults within it; the generality of the people in *England*, and in other Countries, having in former * ages frequently risen up in armes against them, massacred, burnt and destroyed them, notwithstanding their Kings and Magistrates Procla-

* See here p. 8. to 15. 18. 27. 32. 35. 79. to 88, 89, 90. &c.

Proclamations and Edicts to the contrary. And the [u] Jews themselves in all ages having *been principle firebrands of sedition both in their own Land, and all places where they have been dispersed*, as the Texts and Authors in the 3. and 7. premised reasons, with the foregoing *Relations out of our English Historians* attest. Therefore their re-admission into *England*, (especially in this unquiet season) must needs be diametrically contrary to the scope of this *Declaration*; and neither in policy nor prudence to be resolved on, but utterly rejected.

[u] *See Socrates Scholast. l. 7. c. 13. Sozomen, l. 4. c. 7. Cent. Magd. 4, 5. 7. 12, 13, c. 14.*

My 3d. reason shall be grounded on this clause of that *Declaration: That no person who hath or shall be sequestred, or ejected for Delinquency, or being in actual arms for the late King against the then Parliament, or for* Charls Stuart *his Son, &c. out of any Benefice, School, or Colledge, shall from and after the* 1. *day of* December, *be kept as a Chaplain or School-master in any sequestred persons house; Nor after the* 1. *day of* January, *keep any School publike or private; Nor preach in any publike place, or private meeting of any other persons than those of his own family; Nor shall administer Baptism, or the Lords Supper, or Marry, &c. upon pain that every person so offending in any of the premisses shal be proceeded against, as by Orders* (therein mentioned) *is provided: prescribing* 3 *months imprisonment for the* 1. 6 *months for the* 2d, *and banishment for the* 3d *Offence*, as I am informed. If native freeborn Englishmen, formerly ejected out of any Benefice, Colledge or School, only for their old *delinquency* in adhering to the late King and Prince (though according to their Oaths, duties and dictate of their consciences) after some years publike liberty to preach, Articles of Agreement confirmed by the Army and both Houses, and that which some call, *An Act of Oblivion, and future indempnity*, though orthodox in Doctrine, unblamable in conversation, and eminent in learning, without any particular impeachment, hearing, conviction of any new Delinquency or misdemeanors whatsoever, must not have so much liberty as to keep any School, or preach Gods Word in publike or private, or to be entertained

tertained in formerly sequestred Englishmens houses, under the foresaid penalties at this season, only in Order to the Nations peace: Then much lesse ought Jews, meer aliens, who always have been, and still are professed Enemies in arms against the Person, Kingdom, Gospel of our Lord Jesus Christ (which the late Parliament by their solemn *Protestation, Vow and Covenant, engaged by all good means to defend and advance*) to be entertained by any English Christians, or publikely or privately to teach, preach, spread, propagate their Jewish Doctrines, Errors and abolished weremonies in our Island, but to be banished for ever from amongst us, if any of them should publikely or privately attempt to creep in amongst us; Else not only all sequestred Delinquents, but the whole English Nation and world too, will cry out and say, [x] the faithfull loyal Chaplains, Servants, followers, Friends of the late K. and Pr. though English Natives, Freemen, ye our fellowbrethren Members in Christ are more execrable to, more injuriously, unchristianly, uncharitably dealt with by their Fellow English Christians in present power, only for their loyalty and conscientious adhering to their late temporal King and Prince, than the very alien Jews, who both denied, rejected, crucified the Lord Jesus Christ, their own temporal Soveraign, *who* [y] *was born King of the Iews, and had this very title inscribed on his Crosse; and their & our only spiritual King and Saviour*, whose Honour, Power, Kingdom, Gospel, we avowedly profess to advance; & that they enjoy lesse Christian or civil liberty for themselves, their wives and families *necessarie subsistance*, (for whom they * must provide, unless worse than *Infidels*) now in their Native country then there, where they must neither teach nor preach Christ Jesus to any in publique or private, though Gods word and their function, condition, *enjoyn*, * *necessitate them to do both*, when as these admitted Jews may (and all other kind of Sectaries) both teach and preach against him too in publick and privat. Which restraints on these English Royalists on the one hand

(x) *mò qui Regi paruerit excommunicatus habeatur, qui contra regem fecerit, à no. ã injustitiæ, & periurii absolvatur, as* Sigebertus Gemblacensis. *Chron. An.* 1088. *writes of Pope Hildebrand, and his Abettors.*

[y] Mat. 2. 2. c. 27. 37. *Lu.* 1. 32. 33. *Rev.* 25. 9.

* 1. 5. 8.

* 1 *Cor.* 9. 16. 2. *Tim.* 4. 1. 2. *Acts* 4. 19. 20.

*.1 John 4.3. 2 John 7.

and indulged liberty to the alien Jew * *Antichrists* on the other, if now put in execution, I humbly referre it to the saddest considerations and conscientious meditations of all in power to resolve themselves, how scandalous and odious it will prove both to God and all good men: how much it will resemble the proceedings, not only of *the malicious Jews themselves against the Apostles & Ministers of Christ*, recorded, *Acts* 4. 1. to 24. c. 5. 24. to 32. 1 *Thess.* 2. 14, 15, 16. & of beheaded [z] *Canterbury*, against Mr. *Workman* of *Gloceſter*, *whom he first prohibited from preaching, then from teaching School and practising Physick, to support himself and his family, whereby he was reduced to great extremity*; But likewise of that detestable *Apostat Emperour* [a] Julian, *who out of his desperate malice to Christ, to undermine and extirpate Christian Religion without shedding the bloud of Christians, first shewed himself a most zealous Christian professor, reducing the Orthodox Bishops, Ministers, christians, whom the persecuting* Arian *Emperour* Constantius *had exiled, and restoring them to their confiscated Bishopricks, to ingratiate himself with the people; but not long after turning Apostat, he took away all the priviledges, honours, revenues of the Clergy, setled on them by* Constantine, *with the Laws for their establishment, shut up the Churches and Schools of the Christians, prohibiting them to preach or teach in publike or private, or to set their Children to School, unless they would renounce their former Religion, and turn Pagans; impoverished, oppressed the Christians with extraordinary doubled Taxes, from which the Pagans were exempted, and cast many of them into prison.* But on the contrary at the same time, *he shewed extraordinary favour and affection towards the Iews, sent for the chiefest of them to his Court, where he discoursed with them, writing a special Letter to them, wherein he desired their prayers for him; granted them free exercise of their Jewish ceremonies, and sacrifices long discontinued, encouraged and assisted them with monies out of his publike Treasury to re-edifie the* Temple *at* Jerusalem, *to revive & set up all their Jewish Sacrifices and customes there formerly used, whereupon they began to build it, till*

(z) *Canteries Doom*, p. 107. 138, 491, 199.

(a) Ambros. Epist. l. 5. Ep. 29. cent. Magd. 4. cap. 2 col. 114. to 120. c. 14. col. 1438. 1459. *Nazianzen Oratio 2. in Julianum* Socrates Schol. l. 3. c. 22. Rufinus, l. 1. c. 28. Theodoret, l. 3. c. 20. Nicephorus l. 10. c. 3. 4. 5. 24, 25, 32, 33. Sozomen. l. 5. 6, 22.

till miraculously interrupted therein; and all to vex and undermine the Christians. By which indulged Liberty, the Jews *then grew so insolent against the Christians, that they grievously persecuted divers of them, destroyed and burnt down some of their Churches, and threatned to persecute them worse than the Pagan Romans had done*; as the Marginall Historians record more at large. The imitation of whose proceedings now in any degree in these particulars, what harsh constructions and sad events they may produce, I refer to all wise Christian States-men seriously to ponder, for their own and our Religions honor and Security.

My 4. argument is this, The *Orders for securing the peace of the Nation*, which the *Declaration* relates to; [a] *contrary to all the Statutes, Acts, Resolutions of our Parliaments and Law-books forecited*, upon another occasion) authorize *the Major Generals and Commissioners named in them. To banish and send into Foraign parts and Plantations, all persons of the royal party formerly in arms, of no estate, and living loosly, and all persons whatsoever that shall appear by their words or actions to adhere to the party of the late King or his Son, & to be dangerous Enemies to the peace of the Commonwealth*; even without and before any Legal indictment, tryal, conviction of any particular crime, for which a Sentence of *Banishment is prescribed by our Laws*: or any Judgement or Act of Parliament inflicting this heavy Punishment upon them, far worse to many than death it self. Now I shall earnestly intreat in the name and fear of God, all those whom it most concernes, to consider and determine in their own retired thoughts, how unjust, un-righteous, unreasonable, unchristian and more then *brutish, it will seem to all Freeborn English men, and conscientious christians, both at home and abroad, and what great scandals it may bring, both upon our Nation, Government, and Religion it self, in this manner, (and on this old account alone) to banish these christian English Freemen out of their Native country, both from their Wives, children,

[a] *See here, p. 63, 64, 65. 1 H. 6. rot. Parl. n. 44, 47, 50.*

Memini veteres, nihil posse judicio perire ejus, qui consulatum magistratum sine judicio proscribere aliquem. Non sinit Lex decretum legem plus valere: iste cum tot sint leges, decretum ratum facit, leges tollit: Demosthenes, Oratio contra Timocratem, p. 200.

** Parcit cognatis maculis similis fera, &c. Juvenal.*

Kinred, and Gods own publike Ordinances; and at the self-same time to call in foraign, Infidel Jews, (greatest Enemies to Christ himself and Christians, and in that respect more dangerous to the peace and welfare of the Nation than those thus to be banished) to supply their places, even against an expres's old Judgement, and Edict of the whole Kingdom in Parliament, for their perpetual exile. What a sad pernicious * president it may prove in future ages, (especially to the Authors of it and their posterities by divine retalliation, as the * *Athenian* Ostracisme did to *Clisthenes* who invented it, & the first was exiled by it.) upon every new revolution to banish all English freemen of a contrary party, and call in Forraigners in their rooms: Whether it will not revive that ancient complaint of * *Petrus Cluniacensis*. *Lex nam vetusta sed vere diabolica ab ipsis Christianis Principibus processit, &c. Manet inultum scelus detestabile in Judæo, quod exilio vel horrenda morte suspendit punitur in Christiano. Pingrescit inde & deliciis affluit Judæus, unde laqueo suspendatur Christianus?* And whether upon consideration of this and the precedent reasons deduced from these *Declarations*, and all the premises, they ought not peremptorily to conclude against the Jews present and future re-admission into *England?*

I shall close up all with an Answer to the two principal *Allegations* for their reception into our Realm.

1. The main and only consciencious Argument for their introduction, is this, *That it may be a very probable hopefull means of the general calling and conversion of the Jewish Nation to the Christian Faith, which hath been so long prayed for and expected by Christians, and seems now approaching; which their seclusion from us may much obstruct.*

Not to enter into any large debate of *this conversion of the Jews*, wherein learned [*b*] *Orthodox Divines and Writers, are much divided.* I say, 1. That I could never yet be satisfied, that there shall be such a general call and

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* *Mat. 7. 2. Luk. 6. 37. 38. & Rev. 13. 10. Obad. 15. & Joel 3. 6, 7, 8.*

* *Æl. Varia Hist. l. 13. c. 24. Alex. ab Alex. lib. 3. c. 24. Cælius Rhodginus Antiq. Lect. l. 5. c. 24.*

* *Lib. 5. Epist. 33. & Cent. Mag. 12. ca. 14.*

[*b*] *See Oecolampapus Hyperius, Ostand. Peter Martyr, Bucer, Melanthon, Calvin, Selneccerus, Marlorat, Paræus, Willet, Wilson, and others on Rom. 11. Dr. Prideaux, Orat. 6. de Vocatione Judæorum. Dr. Wille, de General. & novissima Judæorum concessione. Purchas Pilgrim. l. 2. c. 10. sect. 7.*

conversion of the whole or major part of the Nation of the Jews, as some expect, *but only of an elect remnant of them*, The (*c*) forecited Texts, with *Isay* 30.8, 9, 10, 11. *Now go write it before them in a Table, and note it in a book, that it may be for the time to come* FOR EVER *and* EVER, *That this is a rebellious people, children that will not hear the Law of the Lord, which say to the Seers see not, and to the Prophets, prophesie not unto us right things, &c. cause the holy one of* Israel *to depart from before us*. Luk 20. 16, 17, 18. Mat. 21. 41, 42, 43, 44, 45. John 1. 11. 12. *Rom.* 9. 27. 26. 33. c. 11. 2, 5, 7, 8. contradicting such a general conversion of them, & that of *Rom.* 11. 26, 27, 28. *And so all Israel shall be saved, being meant only of the Elect, and true Israel of God, both Jews and Gentiles*, as many judicious Expositors, and *Rom.* 2, 26, 27, 28, 29. c. 9. 6, 7, 8. c. 11. 1. to 8. *Gal.* 3. 7, 9, 14, 16, 22, 28, 29 c 6. 16. seem to expound it, not of the whole Jewish Nations calling and salvation at the last. 2ly. It is agreed by most who expect such a general calling and conversion of the Iews [*d*] *That it shall not be till the fullnesse of the Gentiles be come in*, as Rom, 11, 24, 25. resolves, And whether this *fullnesse* be yet come in, there being so many Gentile *Nations yet* [*e*] *unconverted, especially in Asia, Africa, and America, and those infinitely exceeding the Gentiles yet converted to the Gospel*, let those consider who now expect the Iews conversion. 3ly. If this *fullnesse of the Gentiles conversion to Christ*, must preceed the general calling of the Iews, as a necessary preparative and introduction thereunto, then we ought by this allegation in the first place to call the *Turks, Tartars, Persians, Chinoys, Indians, & all other unconverted Gentile Nations with other Religions into England*, & first convert them to the Christian faith, before we bring in the Iews, whose conversion is to succeed theirs, & the Gentiles fullnes, And then we shall have Religions enough in *England* to please all *Novellists*, and a thousand aliens to each English Native. 4ly, There are *farre more expresse, direct promises, texts*,

[*c*] *Herep.* 63, 64, 65, 66.

[*d*] *Pareus Willet, Peter Martyr. Wilson on the place, and Dr. Prideaux, Orat.* 6.

[*e*] *See Purchas Pilgrimage, and Pilgrim. Edward Brerewood his Inquiry touching the diversity of Religions through the chief parts of the world.*

texts, grounds, both in the [e] *Old and* [f] *New Testament, for the calling, conversion of all Gentiles, and yet unconverted Heathen Nations to the faith of Christ, then of the Iewish Nation:* not one Nation of them (for ought we read) *being so far rejected, broken off, and given up to an obduration of heart, and blindness of mind, by Gods judiciall decree, as we read the Iews to be*; Isa. 6. 9, 10, 11, c. 8 14. 15, 16 c. 29. 9, 10, 11, 12. Mat. 13. 14, 15. Mar. 4. 11, 12. Lu 8 10. Iohn 12. 37 38, 39, 40. Act 28. 25, 26, 27, 28. Rom. 11. 7, 8, 9, 10. Therefore *our prayers and endeavours* ought first to be *for the conversion of all Gentiles yet unconverted to the faith*, being more hopefull, more successfull in all probability, than our prayers, endeavors for the Iews conversion, at least till the Gentiles fullnesse be come in. 5ly, Admit either a general or special calling and conversion of the Iews in the latter end of the world; yet the calling of them into *England* to cohabit with us in such a manner as they now desire, is no ways necessary for that end. For 1. it is no where declared in Gods word, that they must be called in *England*, or by English men. 2ly. If they were principally to be converted by English Divines or Laicks, we may with more ease, lesse danger and prejudice to our Nation and Religion, send English Divines and Laicks into other forraign parts where they now reside, to instruct, teach, convert them to the faith, than call them into *England* to convert them now, in this giddy, unsetled, apostatizing age, wherein they are likelier to gain a thousand *English Proselytes to their Judaisme*, than we one Jewish convert to *Christianity*, if introduced with their Synagogues and Jewish ceremonies; perhaps their hopes of such a harvest here, is the principal motive that they are so

[e] *Ps.* 2. 8. *Ps.* 22, 27. *Ps.* 65. 2, *Ps.* 72. 1 *to* 18. *Ps.* 67. 3. 4. 6 7 *Ps.* 86. 9, 10. *Ps.* 100. 1, 2, 3, 4. *Ps.* 148, 11, 12. 1. *Kin.* 8. 43 *Isay* 2. 1, 2 3, 4. c. 9. 2. 7. c. 11, 10. c. 18. 7. c. 35. 1, 2, 5, &c. c. 40. 4, 5. c. 41. 2. c. 42. 1, 6, 7, 10 11, 12, 16. c. c. 49. 6. 7, &c. 20, 21, 22, 23, 24 c 54. 1, 2, 3, 4. c. 55. 4, 6. 1. c. 56. 5, 7, 8. c. 60. *through out*, c. 61. 5, 6, 9, c. 62. 2. c. 65. 1. c. 66. 19. *to* 24. *Jer.* 16 19. *Dan.* 7. 14. *Hag.* 2. 7. *Mic.* 4. 1. *to* 8. *Mal.* 1. 10. *Hos.* 1. 10. c. 2. 23. *Gen.* 49. 10.

[f] *Mat.* 12. 21. c. 28. 19, 20 *Mar.* 16. 15. *Luk.* 2. 32. *Iob.* 7. 25. *Acts* 9. 15. c. 10. 1. & c 44. 65. c. 11. 1, 18. c. 13. 42. *to* 49. c. 14. 27. c. 15. 3. *to* 24. c. 16. 4. *to* 13. c. 17. 12. c. 18. 8. 10. &c. c. 19. 10. c. 21. 25. c. 22. 21. c. 26. 20, 21, 22, 23. c. 28. 28. *Rom.* 1. 13. c. 9. 24. 30. c. 10, 12, 13, 18, 19, 20. c. 11. 11, 12, &c. 25. 30. c. 15. 8, *to* 30. c. 16. 4. 26. 1 *Cor.* 12. 2. *to* 24. *Gal.* 2. 2. 16. c. 3. 14. *Ephes.* 2. 1. 11. *to* 22. c. 3. 6. *to* 12. *Col.* 1. 6. 23, 26, 27. 1 *Tim.* 2. 1. *to* 9. c. 3. 16. 2 *Tim.* 1. 11. c. 4. 17. *Rev.* 5. 10. c. 6 9, 10. c. 11. 15. c. 14. 1. 3. 6. 7.

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pressing to be now admitted again into our English climate, without delay. 3ly. If we admit them with all their Jewish worship, Synagogues, Ceremonies, as they now propose, it will be rather a means to harden, then convert them; a [g] *doing of evil that good may come of it*: a swallowing down of a certain deadly poyson, in hope to correct it with a subsequent antidote; and to set up a present [b] *Synagogue of Satan*, upon hopes hereafter to convert it into a *Church of Christ*. 4ly. God can convert them in any other Countries, as well as in *England*, and by any other Christian Nations, as well as English, as he hath done [i] *some few of them* in al ages as *Hieron: in fide*, and *Petrus Alphonsus, Lyra, Tremel.* three eminent Divines and Writers, amongst others: And there being as learned able Protestant Divines in *Holland, Germany, France, Denmarke*, as any in *England*, if they cannot convert them, what hopes have we to do it? 5ly. *Conversion of their hearts to the truth of the Gospel, and saving Grace, is* [k] *only the work of God, not men, Who can work it when, where, and by whom he pleaseth*, and is not tied either to place or persons, much lesse to our English climate to effect it. And, it is Gods and Christs usual prescribed way of converting *Nations, People*, to *send Apostles, Ministers to preach the Gospel to, and convert them, in the Countries, places where they dwell; not to call them into another Forraign Land where the Gospel first shined*, or where it is *entertained: as he sent his Apostles from* Jerusalem *into all the world, to convert the Gentiles*, not *called them all to* Jerusalem *or* Palestine, *to be there instructed and converted*, Mat. 9. 38. c. 10. 5. 6. c. 28. 19, 20. Mar. 15. 15. Isay 2, 3, 4. Acts 9. 15. c. 10. 20. c. 22. 12. Ephes. 3. 8. 2 Tim. 4. 17. 3. Iohn 7. Why then we should take this new-found contrary way, of calling the Iews in to us to convert them, and not rather send out Ministers to them, I cannot discern; The rather, because the **Council of Basil*, An. 1431. *Sessio* 19. prescribes this course both *for the converting of the unbelieving Jews and Gentiles to the Orthodox Faith*;

That

[g] 1 *Tim* 2. 3 10. *Rom.* 3 8.

[b] *Rev.* 2 9. c. 3. 9.

[i] *See Cent. Mag.* 4. *to* 13. *c.* 14. *Paraus Com. in Ro.* 13. *p.* 1101. *Here p.* 17. *Antonini Chron. pars* 2. *Tit.* 16. 1. 2. *&* *Tit.* 17.

[k] *Jer.* 31 18. *Ephes* 2. 1. *&c. John* 3. 8. *c.* 12. 40. *Phil.* 2. 13.

**Surius Concil. Tom.* 4. 57 *Fox Acts & p. Mon. Vol.* 1. *p.* 9 13 *Summa Rosel. & Angelica, Tit. Judæus.*

That all Dioceſans ſhould yearly, at appointed times, provide certain men well learned in holy Scriptures, and in the Tongues, to preach and explain the truth of the Catholick Faith, IN SVCH PLACES WHERE THE IEWES AND OTHER INFIDELS DID DWELL, in ſuch ſort, *that they acknowledging their error, might forſake the ſame. To which preaching they ſhould compell all of both Sexes that were at years of diſcretion to reſort, by interdicting them commerce with Chriſtians, and other fitting penalties. Provided, the Dioceſans and Preachers ſhould behave themſelves towards them mercifully, and with all charity, whereby they might win them to Chriſt, not only by declaring of the truth, but alſo by other Offices of humanity.*

6. If the obſervation of learned (*m*) *Paræus* be true, that the *over flowing of all ſorts of wickedneſſes, crimes, murders, wars, oppreſſions, rapines, injuſtice, tyranny, cruelty, extortions, uſuries, the infinite multiplicity, contrariety of Sects, Schiſms, Religions, and unchriſtian, heathen, atheiſticall practiſes of one Chriſtian towards another, be principal obſtacles to hinder the Jews converſion,* eſpecially amongſt Proteſtants (as theſe, with idolatrous worſhip of Images, Saints, and the *Hoſtia* amongſt Papiſts) than the calling of them now into *England*, where * all theſe abound more than ever heretofore, and more than in other Nations, will be a means more to harden them, and hinder their converſion, then any furtherance thereunto: the rather, becauſe the deſperate Apoſtacy, and atheiſtical actions of ſundry late eminent Profeſſors, have cauſed many Engliſh Chriſtians to turn *Antiſcripturiſts, Seekers, Atheiſts*, and like the Iews, to repute *Chriſt and Chriſtianity meer Fables*. 7ly, Moſt of the Iews, who ſince their diſperſion have *been baptized, and turned Chriſtians in any age or place, have done it either out of fear, to ſave their lives, or eſtates, when endangered by popular tumults, or judgments of death denounced againſt them for their Crimes; or for fear of baniſhment, or by coercion of penal Laws, not cordially and ſincerely, they ſtill playing the Jews in private*

[*m*] *Comment. on Rom.* 11. *p.* 1101, 1102. *See Sir Edw. Sands his Relation of the State of Religion.*

* *See my Quakers Unmasked: and New Diſcovery of Free State Tyranny.*

vate upon every occasion, and renouncing their baptism and christianity at last, either before or at their deaths, as our own (n) forecited Historians; *Synodus Nicana* 2 *Can.* 8. *Surius concil. Tom.* 3. *p.* 193. the 4th *Council of Toledo*, cap. 58, 59, 62. 63. *Iustiniani Codicis l.* 1. *Tit.* 10. *de Apostatis Lex*, *Gregorius Turonensis*, *lib.* 6. *Bibl. Patrum. Tom.* 6. *pars* 2. *p.* 467. *Leges Wisigothorum*, lib. 12. Tit. 2, 3. *Vincensius Beluacensis Spec. Hist.* l. 29. c. 25. *Rodericus Toletanus*, *de rebus Hisp.* l. 2. c. 17. *Aventinus*, *Annal. Boiorum* l. 5. p. 468. *Abbas Usspergensis Chron.* p. 227. 228. and (o) other authors attest. Of which we have this late memorable History recorded by *Munster* in his *Cosmography*, l. 2. c. 19. f. 72, 73. *There being no lesse than one hundred twenty four thousand Jews banished out of* Spain, Anno 1492. *leaving all their gold, jewels, houses behind them, and paying two duckets a poll to the King for their transportation into* Portugal; *some of them there seemingly turned Christians, and were baptized, but yet secretly practised their Judaical rites, being Christians only in shew, but not in heart, observing the Passeover, and eating flesh with the Iewes: Upon the discovery hereof, there arose a great tumult of the people against them in* Lisbon, *the people complaining thereof to the King,* Anno 1506. *Whereupon the King commanded* 16 *of them to be imprisoned, and at last dismissed them without other punishment. Upon this the Citizens conspiring against the King and Governour, raised a commotion against these Iews and false Christians, slaying all those false converted new Iews they could find throughout the City, to the number of six hundred, whom they likewise burnt; Which example spreading into the Country, there were slain in the City and Country of these false Iewish, converts, to the number of* 1630: *which the King hearing of, being then absent, he was so incensed against the Iews, that he imprisoned very many of them, whereof some were burned, others beheaded, others hanged on Gibbets, and all the rest spoiled of their goods, then expelled and banished the Kingdom,* A sad judgement on them for their Hypo-

[n] See her p. 9, 10, 12 16.

[o] *Cent. Magd.* 4. *Col.* 1470. *Cent.* 8 *col.* 3 *Joan Mariana de rebus Hispan. l.* 19. *p.* 481, 482. *Munsteri Cosmogr. l.* 1. *c.* 19. *c.* 72. 78. *Sum. Rosella. Tit. Judæus.*

critical conversion; and such converts mostly we are like to find them, and none other. Whereupon the 2 *Council of Nice, Canon.* 8. decreed, That no Iews should be admitted suddenly into the Christian Church, nor baptized, unlesse they *publikely certified, that they were converted, out of a pure sincere faith, with all their heart, and utterly renounced their judaical rites.* And the *Council of Agatha Can.* 34. decreed *That the Iews who desired to turn Christians should remain for* 8 *moneths space* amongst the Catechimeni, for trial of the sincerity of their conversion before they were baptized, upon this ground, because they frequently returned to their infidelity & vomit again *Judai quorum perfidia FREQUENTER ad vomitum redit.* Which *Alexander Alensis summa Theolog. pars* 2. *qu.* 161. approves. 7ly. If any private Iews out of meer conscience or sincere desires of being converted to the Christian faith, shall upon that account alone desire admission into *England*, to be instructed by our English Divines, I suppose no English Christians will oppose, but further their desires herein, and contribute both their prayers and best endeavors for their conversion, and if ther be cause, admit them also into our Churches Communion upon real testimonies of the truth of conversion in, and work of grace upon them; which is as much as they can desire at our hands; But to admit whole multitudes and Colonies of infidel Iews at once into our Nation, who neither desire nor pretend conversion to Christianity, (but the quite contrary) together with the free *use of their Iewish Synagogues, Rites, Ceremonies,* (which they strongly insist upon) to establish their Judaism, make way for their long expected *Messia* his comming, increase their wealth and traffique, and enable them to recover their ancient Country and Kingdome again, the only things they now aim at as *Menasseh Ben-Israel in his late addresses proclaims to all the World,* is such an Impious, Unchristian, Antichristia dangerous president (glossed over only with a pos-

possibility of their future conversion) as no sincere English Christians can approve of, nor the Iews themselves desire: For as the Iews *by* (p) *Gods own Laws, and their own Iewish Rabbies precepts, neither might, nor yet would permit any Heathen Gentiles heretofore to dwell among them, nor to set up any Altars, Images, Idols, Groves, or exercise any Idolatrous worship amongst them, or to blaspheme, reproach their God or Religion, under pain of death, if they transgressed therein; There being the self same Law of God in these things both to Gentiles, & Iews:* And like as they afterwards would not permit the Apostles and Christians in *Ierusalem*, nor any other Cities, for to preach the *Gospel*, *and exercise the Christian Religion freely, but raised up present tumults against and persecuted and cast them out thence, as* 1 *Thes.* 2. 14, 15, 16. the whole History of the *Acts*, and premises abundantly testifie: So by the very self same justice and equity, they can neither now demand nor expect that we, or any Christian Realm or State should tollerate or connive at, much lesse openly countenance and protect them in the publick or private exercise of their Iudaisme, or Iewish Rites, and Blaspemies against our crucified Saviour, and his Gospel: All then that English Christians can do for them, *is to* [q] *desire, and pray for the conversion of all Gods elect amongst them in his due time*, by such means as he shall think meetest, and to instruct them in the faith, by learned Ministers sent to them, if they desire it; but not to admit them (and perchance many disguised Iesuits, Papists and Friers with them) promiscuously into our Nation; to undermine our Church and Religion, and undo many thousand Souls, it being our duty, * as *to give no just offence to the Iew, so neither to the Gentiles, nor to the Church of God*, whom their admission amongst us, especially upon *Menasseth Ben-Israels* motives and addresses, (tending nothing at all to Piety or their conversion, but worldly gaine and obstinate perseverance in their Jewish Antichristian Rites and Superstitions) will

[p] *Deut.* 7. 5. *Exod.* 23. 35. *c.* 34. 13, 14. 2. *Chron.* 30. 14. *c.* 31. 1 *c.* 34. 3. *to* 9. 33 *Levit.* 17. 12. *c.* 24. 16. 22. *Nurin.* *l.* 5. 16. 30, 31. *Deut.* 31. 12. *See Mr. Selden. de Jure naturali & Gentium, juxta Disciplinam Eorum. l.* 2 *&* 3. *Judæi non permiserunt Gentiles secum manere qui Gentilitiis ritibus semerebant, at eos permiserunt qui uberum Deum colebant.* Thomas waldenses *Doctrinales Fidei. l.* 3. *c.* 5. *Sect.* 1. *p.* 4. 18.

(q) *Rom.* 10. 1. 1. *Tim.* 1. 1. *p.* 3.

* 1 *Cor.* 10. 32.

most justly offend. Lastly those *Popes* & *Popish Princes*, who have hertofore admitted any Iews to cohabit amongst them have done it under these several cautions and limitations prescribed to them by their * *Laws, Councils, Canons, Decrees, Divines and Canonists.* 1. *That they should build no new Synagogues, nor repair any old ones quite demolished.* 2. *That where there were old Synagogues formerly used by them standing; they should only repair, but not enlarge or build them higher than before, nor extraordinarily adorn them.* 3. *That they should not stir out of their doors on good Friday, nor open their doors, windows, shops, or do any servile work on the Lords days or other solemn Christian Festivals.* 4. *That they shall utter no blasphemous words, speeches against God, Christ, Christians, or Christian Religion, nor manifest their open contempt of them by gestures or actions, under pain of pecuniary, corporal, and capital punishments, according to the quality of the offence.* Yea King *Eringius Leges Wisigothorum*, l. 2. Tit. 3. c. 3. 4. 7. and 12. *Council of Toledo* c. 9. prohibited the Jews the *use of circumcision, the observation of their Jewish Passeovers, Sabbaths, differences of meats, and other Jewish Rites under pain of whipping, confiscation of goods, losse of Noses, Genitals, Banishment.* 5. *That they shall be admitted to no degrees of learning, honour, dignity, office or preferment whatsoever in state or Church, because it is most absurd and unjust, that any blasphemer of Christ should exercise any power or authority over Christians in any Christian State.* 6. *That* * *they should neither eat nor drink, nor have any dayly familiarity or communion with Christians, nor entertain any Christian man or woman in or out of their houses, either as a Servant, or Nurse to their Children, or otherwise, nor yet administer physick to any*

* *Justiniani Codicis l. l. 1. Tit. 12. de Judæis Fredericus Lindebrogus Codex legum Antiqu. leges Wisegothorum. l. 12. Tit. 2, 3. Laur. Surius, Concil. Tom. 2. p. 277. 322, 366, 608. 646, 634, 674, 679, 698, 735, 1042. Tom. 3. p. 2. 6. 7. 466, 467. 552, 670. 726, 754, 632, 753, 495, Concil Basilens. Sess. 19. Surius Tom. 4. p. 57, 56. Alexander, 3 Decret. l. 5. Tit. 6. c. 4, 5, 7, 8 Innocentii, 3. Opera. Tom. 1. p. 488. Tom. 2. p. 798 805. Greg. Ep. 7. Ep. 15, 113. 10. qu. 1. Panormitan, ibid. Antonii Corseti, Repertorium in Abbat. Tit. Judæus Cardinalis Hostiensis Summa cum additionibus Nicholai Superantii, l. 5. Tit. 11. de Judeis & Saracenis & eorum servis Baptista Trovemala Summa Rosella Tit. Judæus Angelus de Clavasio Summa Angelica Tit. Iudæus, Th Zerul a Praxis Escopalis pars, 1 Tit. Judæus, Centur. Magd. 12 c. 7. Iac. de Graffiis Decipi. Aurearum pars, 2, lib. 2. cap. 23. de Judæis & Saracenis Caldernius de Judæis Consil. Claus. 37. H. 3. m. 18. Clause 7. E. 1. m. 6. dors.*

Chri-

Christian in his sickness, lest any simple Christians should be seduced by them to Judaisme by these means. 7. That all Iews both males and females should always wear a speciall* badge or sign in all places upon their outward Garments or heads, whereby they might be distinguished from Christians, and known by all men to be Iews, to avoid commixtion and communion between them and Christians which otherwise would happen. 8. That they should be disabled to bear witnesse, or give in any legal testimony against Christians, or to purchase any advowson or Ecclesiastical preferment, or to bequeath any legacy to the Nation or Corporation of the Iews, or to exercise usury amongst them. 9. That they should be subject both to the Ecclesiastical & Temporal Courts and Judges for all offences properly punishable by them which they should commit. 10. That they should pay all predial and personal Tithes to the Christian Ministers where they lived. 11. That though they should not be compelled to be baptized or turn Christians against their will, yet they should at certain times* be all constrained to come to the Sermons of such Christian Priests and Ministers as were appointed to instruct them in the Christian faith, and to preach unto them to convert them. 12. That their Servants and Children being Iews; when once baptized and turned Christians, should no more cohabit with, nor be under their power. 13. That upon their conversion to Christianity, all their goods and mony gotten by usury and cheating should be distributed to pious uses, and the rest only retained for their proper use and livelyhood. 14 That if any of them after their baptisme apostatized and turned Iewes again, or fell into Heresie, they should be proceeded against and burned, executed as Apostates, and Hereticks. 15. That no Christians should communicate with them in any kind, except in buying and selling, nor cohabit with, serve them as a Nurse or Servant, under pain of excommunication. Yet notwithstanding all these restrictions and cautions, we read of few Iews really converted by them, and that the Iews have (r) perverted and seduced sundry Christians to In-

* clauf. 2 H. 3. m. 10 Dorf. Clauf. 37. H. 3. m. 18. See here, p. 35. Munsteri osm. l. 4. c. 4. p. 108. oncil Lateranum sub. Innocent 3. c. 65. Surius Tom. 3. p. 753.

* See Cap. 8. E. 1. m. 27.

(r) Zonaras Tom. 3. Centur. Magd. 9, c. 14. col. 614. Marianus Scotus. General Hist. of Spain, p. 775 958. Bzovius Annal. Eccl. p. An. 1259, n. 3.

Iudaisme, and made them professed Iews; perswaded other Christians to observe Mosaical ceremonies, besides Baptism, whereby they made a confused Chaos of Religion; yea they corrupted Michael Balbus *the Emperor so far, that he commanded Christians to fast on their Sabbath, and made him as it were a sink of Sects,* as *Zonaras* and others record; And *Ferdinand.* & *Isabella* banished them out of *Spain* upon this ground, that they induced many of the Nobles in *Andaluzia* to become Jews, as *Manasseh Ben-Israel* himself acknowledgeth, p. 15. 25. Yea, *Sedechias* the *Iewish Physician* (*f*) poysoned the Emperor *Charles the Bald* his body, as well as others in that age and after poysoned other *Christians souls.* What mischiefs then they may doe to mens bodies in *England,* by poysoning of them, (as they did the (*t*) *English Barons* heretofore, and Dr. *Lopez* a Iew, bribed by the *Spaniard* would have poysoned * *Queen Elizabeth* of late whom he professed, he loved as well as he did Iesus Christ himself) and what desperate venom they may infuse into their souls by their Iewish Doctrines, Synagogues, and Antichristian Ceremonies, if admitted without such or upon these restrictions, or any other, let all prudent Christians resolve: Since (*u*) *Pope Innocent* the 3. himself, and (*x*) *Cardinal Hostiensis,* with other *Popish Canonists,* who have tolerated them, give us this account of their requital for it, in positive terms. *Iudæi ingrati, pro gratia reddunt contumeliam, pro familiaritate contemptum, impendentes nobis illam retributionem, quam juxta vulgare proverbium,* MVS IN PERA, SERPENS IN GREMIO, IGNIS IN SINV, *suis consueverunt Hospitibus exhibere, Nam sunt quidam (quod nefandum est dicere) Nutrices Christianas habentes, non permittunt lactare filios cum corpus Christi sumpserunt, nisi prius per triduum lac effuderint in latrinam, (quasi intelligunt, quod corpus Christi incorporetur, & ad secessum descendat.) & alia inaudita committunt, & detestabilia, quæ a fidelibus sunt minime toleranda, ne si hæc negligunt quæ inducunt confusionem fidei* INDIGNATIONEM DIVINAM INCVRRANT.

(*f*) *Martini Poloni supputationes. Anno 876. Sigeberti chron. Grimston and others in his life.*

(*t*) *See here, p. 35. 78.*

* *Cambden, Speed, and others in her life.*

(*u*) *Constitut. l. 2. Constit. 22. Oper. Tom. 2. p. 798.*

(*x*) *Summa li. 5. tit. 11. De Judæis, &c.*

RANT. As therefore (y) *Oldradus de Ponte*; *Abbot Panormitan*, (z) *Antonius Corsetus*, and other Popish Canonists conclude positively. *That Christians and Christian Kings may lawfully expel and banish all Iews and Infidels out of their Realms, though peaceable, for their Infidelity, and other just causes*: So may all English Protestants likewise upon the premised reasons conclude: we may as justly, as lawfully now keep them from re-entring into *England*, notwithstanding the pretence of their *conversion to the Faith*, which I hope I have satisfactorily answered.

(y) *Consil.* 87. & 64.
(z) *Repertorium in Ab. Panormitan. Tit. Judæus Fac. de Graff. Decis. Aur. Tom.* 2. *l.* 2. *c.* 23 *sect.* 60.

The 2. Allegation for bringing in the Iews is meerly politick, *That it will bring in much present and future gain and mony to the State, and advance trading.* This is the Argument *Menassah Ben-Israel* most insists on, p. 10 to 11. 3. *How profitable the Iews are, adding, That profit is a most powerfull motive, and which all the world prefers before all other things. And therefore* (writes he) *we shall handle that point first. Though he handles it so, that every eye may see he aims more at his own Nations profit, benefit, advance, than ours.*

Allegat. 2

I answer, 1. That if this argument overpoysed not the scales, that of conscience, (the hopes of their conversion) would be lighter than the dust of the ballance and sticke with no man, their mony being the only engin, which hath opened the gate and passage for them into any Christian Kingdoms at first, and made new entrance for them when they have been expelled, as [a] *Concilium Toletanum*, 4. *c.* 57. and others inform us. This opened their first passage into [b] *England*, [c] *Spain*, *Portugal*: and *Philip Augustus* who banished them out of *France*, An. 1182. *Postea verò quum propter bella inopia laboraret pecuniæ, accepta grandi à Iudæis pecunia redditum eis concessit & domicilium Parisiis*, as (d) *Munster* and others inform us. And this kept them so long in *England* heretofore, till their very banishment; A sign we love their money better than their souls or our own. 2ly, This argument,

Answer.
(a) *Surius Concil. Tom.* 3. *p.* 534.
(b) *See here, p.* 2.
(c) *Hieronimus Conestaggius de Portugal et Castil. unione. p.* 1064. 1065. *Opmer's Chronog. p.* 429
(d) *Cosmogr. l.* 2. *p.* 171. *Vincentius, l.* 29. *c.* 25, *Gaguinus and others.*

gument, for their readmission, is but wordly, carnal, sensual: the very same with that of *Hamor* to the *Shechemites*, when he would perswade them to be circumcised, and turn Iews, *Gen.* 23. 25. *shall not their cattle and their substance, and every beast of theirs be ours? only let us consent unto them, and they will dwell with us.* An argument only fit for such whom the Apostle characterizeth, Phil. 3. 18, 19. *For many walk of whom I have told you often, and now tell you weeping, that they are the enemies of the Crosse of Christ, whose end is destruction, whose God is their belly, and whose glory is in their shame, who mind earthly things*; Or for such Princes or Governours as God of old complained thus of (*e*) *Her Princes in the midst thereof are like Wolves ravening the prey, and to shed blood*, and TO DESTROY SOULS TO GET DISHONEST GAIN. It proceeds from such (*f*) *whose eyes and hearts are not but for their Covetousnes* (*g*) *who all seek their own, not the things that are Iesus Christs.* And if the root of it be *covetousnesse* (*h*) *which is Idolatry*, which Christ commands all (*i*) *to take heed and beware of*, and (*k*) *is not so much as to be named* (much lesse practised) *amongst Christians, whose* (*l*) *conversation ought to be without covetousnesse, and they to rest contented with those things they have*; Because (*l*) *They that will be rich fall into temptations*, and a snare, and into many foolish and noysom lusts which drown men in perdition and destruction; For the Love of mony is the root of all evill, which whiles some covered after, *they have been seduced* (*or erred*) *from the faith*, (as thousands of late years have been) *and pierced themselvs through with many sorrows*, Therfore 'tis not so much as once to be named or insisted on amongst us, unlesse we will renounce our Christianity, make great gain our only godlinesse, instead of making (*n*) *Godlinesse with contentment our great gain*; (*o*) *betray and sell our Saviour Christ again to the Iews, like Judas, for thirty peeces of silver, without repenting and making restitution of it to*

(*e*) Ezech. 22. 27.
(*f*) Ier. 22. 17.
(*g*) Phil. 2. 20, 21.
(*h*) Ephes. 5. 3. Col. 3. 5.
(*i*) Lu. 12. 15.
(*k*) Ephes. 5, 3.
(*l*) Heb. 13. 5.
(*m*) 1 Tim. 6. 92. 80.
(*n*) 1 Tim. 6. 6.
(*o*) Mat. 26, 15, 16. 6. 27. 3, 4.

t e

the Iews, as he did; and most blasphemously transferre our very Saviours most blessed Deity, and stamp his most sweet and highest Title (*p*) GOD WITH US, upon a contemptible piece of white and yellow shining clay, as some have lately done on all our New State coyn (as if it were the only *God with them and us*) how christian-like, let themselves determine. 3ly. God himself who saith (*q*) *Behold I have smitten mine hand at thy dishonest gain, which thou hast greedily gained of thy neighbour by oppression, & other unlawfull means*; will certainly smite his hand at this gain by the Iews re-admission. And therefore let us give that resolute answer to the Iewish Agents, if they proffer to purchase an indenization amongst us by their gold, as (*r*) St. *Peter* once did to *Simon Magus* in another case: *Thy money perish with thee; Thou hast neither part nor lot in this businesse, for thy heart is not upright with God.* 4ly. None ever gain'd by the Iews introduction or continuance in any Christian State, but the King and some of his bribed Officers, and that by oppressing, squeezing, fleecing, taxing: excoriating, eviscerating, crucifying, pillaging, plundering the poor Iews in such an unchristian, inhuman, illegal, unrighteous manner, *against* (*s*) *the expresse commands of God*, as made both Christians and Christianity most detestable to them, brought a secret curse of God upon all those unrighteous gaines as also upon their very persons and Government, (witnesse (*t*) King *Iohn*, and *Henry* the 3d.) and encouraged them to oppresse, fleece and pillage their Native Subjects, by illegal Taxes and Projects, and to use them rather like Iews than Christians, enforcing them thereby to take up arms against them for their Laws, Liberties and Properties just defence, as those Kings reigns, and others sufficiently evidence. 5ly, The introduction of the Iews into *England* and other Nations, never advanced the publike wealth of the Natives and Republike, but much impaired it by their Vsuries and Deceits, clipping and falsifying monies, ingrossing all sorts of commodities into their hands,

(*p*) *Mat.* 1. 23.

(*q*) *Ezech.* 22. 12, 13.

(*r*) *Acts* 8. 18, 19, 20.

(*s*) *Exod.* 22. 21. *c.* 23. *Mic.* 2. 1, 2. *c.* 3. 2. 3, 4, 9. *Zeph.* 3. 3. *Ezech.* 22. 27. 28. *Jer.* 22. 17. *Mal.* 3. 7. *Levit.* 13. 34. *Baptista Trovamola, Sum Rosella Iudæus.* 2. *Angelus de Clavasio, Sum Angelica Iudæus, sect.* 30 *Oldradus Consil.* 83. 264. *Iacobus de Graffiis Decis. Aurearum. Tom.* 2. *l.* 2. *c.* 23. *Sect.* 60. *Gratian. Caus.* 23 *qu.* 7.

(*t*) *See Mat. Paris, and others in their lives.*

* *Here p.* 33. 34. 38. *to* 46. 74, 75, *John Sowes Survey of London* 1633. *p.* 288. 289.

hands, usurping the Natives trades, and becomming such intolerrable grievances to them, that they were never quiet till they were banished, as their greatest Annoyance, and purchased their Exiles even with publick Subsidies granted to their Kings to be quit of them; as the * premises abundantly evidence. 6ly. The Trade of this Nation flourished more after their banishment hence, then ever it did before; and their introduction now, will but supplant, undoe our English Merchants and other Natives, to enrich them, and some few other Grandees, who shall share with them in their spoils and unrighteous gains: as they utterly supplanted, impoverished, ruined the City of *Norlingen* in *Germany* where they intruded themselves in great numbers by the *Emperours priviledges*; whereupon the Citizens Anno Dom. 1290. *being reduced to extreem poverty by them, rose up in arms and slew a great number of them, without destinction of age or sex*; for with the Citizens were put to so great fines by the Emperour *Rodolfus* and so oppressed *by the Nobility and others obliged to the Jews by morgages and moneys lent them*, though the Jews instigation, *that the natives were inforced to leave both their Studies, Trades, and the City it self*, reduced thereby to extreem penury for above 59 years space; as * *Sebastian Munster.* at large records. Wch together with the premises, sufficiently disproves * *Menasseth Ben Israels Suggestion of the profit the Natives of England may receive by their readmission.* 7ly, The taking off all long continued, unceasant, new, illegal Taxes, Excises, Imposts * *imposed without common consent in Parliament* on the Nation, ingrossing, anticipating most of the current Monies of the Land, which are the nerves and wheels of Trade, eating up all the Merchants, Peoples gains and labors, and overclogging all or most Commodities imported or exported. The disbanding of all unnecessary mercenary Forces and Garrisons, who have devoured most of the publike and private wealth of our three Kiugdoms, and extraordina-

* Here p. 43. to 63.

* Cosm. l. 3. c. 306. p. 707.

* Humble addresses p. 1 to 11.

* See my Legal & Historical Vindication, of the Fundamental Laws & Liberties of England, part. 1. p. 13. to 20 60 to 104 &c. part 2. p. 65. to 80. Si quis Mercatores novis Theloneorum, & Pedagiorum exactionibus molestare tentaverit Christiana communione careat, donec satisfecerit, Gratian Cauf. 24. q. 3. Vincentii Spec. Doctrin. l. c. 163.

ordi-

rily impoverished them, only to enrich and advance themselves; and setting up the old unmercinary Trained Bands and Legal *Militia* of the Realm in their steads: The encouraging of Merchants to bring in gold and silver Bullion, to set the Mint on work, which hath lain for the most part idle near 15 years: the suppressing of the superfluous making, wearing, use of gold and silver lace, wyre, gilding, which consume many thousand pounds of current coyne every year: The inhibiting of the excessive use of that late intoxicating smoke of *Tobacco*, causing such a prodigal expence of money, time, and hindring more necessary, usefull, staple merchandizes and plantations. The regulating of the gross abuses of Letters of Mart, now little better than *commissioned open pyracies*, occasioning the ruine of Trade and Merchandize by way of Repriſal: The ordering according to Law, Iustice, Conscience, that all prizes taken from any foraign Enemy, or other who pillage or damage the English, by the States Ships, and men of War, set out by the Merchants Customs, Tonnage, Poundage, Impoſts, and therewith maintained for their defence, (*u*) shall be equally distributed to our English Merchants that are damnified, or undone by them, towards the reparation of their losses, *who maintain them*, to enable and encourage them in their trading (especially when much impoverished or undone by their losses) and not at all converted or rather perverted to the use of that some stile, the *Admiralty & State*, or Mariners who take them; (at whose cost they are not maintained:) The binding of all Captains of all States men of war, *to *make good all the English Merchants, and their Allies losses, susteined by their default or negligence:* The *resuming of all the late alienated ancient Lands, rents, revenues of the Crown, got into private hands, which ought to defray the constant expence of the Government, now extorted for the most part by arbitrary new devices, out of the exhausted peoples purses. The speedy preventing of the late unparalleld wasts in all places of *English* Timber, fit for shipping,

(*u*) *Qui sentire debet onus, sentire debet & commodum; ius, and ought to be Law in this case.*

**See* 5 *R.* 2. *Stat.* 2. *ch.* 3.

**See My Historical Vindication, part* 1. *p.* 64. 103. 104.

of which there is like to be such scarcity ere long, as will both, destroy our Navy, shipping Trade. All these and every of them will far more advance the Trade and Traffique of the Nation, and the publike wealth, and give all the people far better content and satisfaction ten thousand fold, then this New distastefull pernicious project of bringing in the Iews: against which I shall only discharge this ancient (x) Canon of the 4th Council of Toledo in Spain, under their most religious King Sysenandus in the year of our Lord 681. which thus batters all ecclesiastical and temporal promoters of this allegation for filthy Lucres sake, with this direfull thunderbolt; recited and confirmed in consil. Meldenses c. 58. Surius Tom. 3. p. 465. *So great is certain mens lucre of money, that some coveting after it, according to the Apostles saying,* have erred from the faith. *For many hitherto of the Priests & Laity receiving gifts from the Iews, foster their perfidiousnesse* (or infidelity) *by their patronage; who not undeservedly are known to be* of the body of Antichrist, because they act against Christ: *Therefore whatsoever Bishop or Clergy man, or secular person shall from henceforth give his suffrage to them against the Christian faith. Either* for reward or favour, *being* (as prophane & sacrilegious) really made accursed *let him be reputed,* excommunicated from the Catholick Church and Kingdom of God; because he is worthy to be separated from the Body of Christ, who is made a Patron or Protector to the enemies of Christ.

(x) Surius Concil. Tom. 2. p. 734, 735.

I shall close up all with the memorable apposite *History* and *words* of that famous ancient Bishop *of Millain St. Ambrose* (z) *The Eastern Christians, out of Christian zeal, burnt down a Synagogue of the Iews in the Castle of* Callinico, *by their Bishops instigation and command, for which the Emperour Theodosius being much incensed against them by the Jews and their Instruments, commanded his Lieutenant of the East* to punish the people, and the Bishop to re-edify the Synagogue for the Iews at his own costs: *Of which St.* Ambrose *being informed, and unable*

(y) Ambrosii Epist. l. 5. Epist. 29. Agobardus de Judaicis superstitionibus. Bibl. Patrum Tom. 9. p. 516. Tripart. Hist. l. 3. c. 1. l. 9. c. 1. Zonares Tom. 3. cent. Magd. 4.

to go to the Emperour, writ an Epistle to him, wherein he most boldly pleads the cause both of the Bishop and people, proving by evident arguments; The burning of this Synagogue of impiety to be just, and that the Emperour should sin both against his own and his Kingdoms safety if he should do any thing severely against the Bishop or people for it; *Adding*, that he himself was prepared rather to suffer death in this cause; than that he should by his dissimulation make the Emperour a Prevaricator, who had commanded such an unjust thing against the Church. *After which* the Emperour coming to *Millain*, & St. *Amb.* hearing that the Iews had built a Synagogue in the Market at Constantinople: *he publikely preached against it, & justified the peoples burning of the other Synagogue in his Sermon before the Emperor and people: wherein amongst other passages, he used this Speech to the Emperor himself in the person of Christ.* O *Theodosius*! I have made thee of an obscure private person, an Emperor, committing my flock unto thee: I have adorned thy formerly squalid head with a Crown: I have delivered the forces of thine Enemie unto thee, I have reduced thine Enemy under thy power, I have made thee triumph without labour; and dost thou make mine Enemies to triumph over me? and offer contumely unto me, by preferring those whom I have rejected, before those by whom I am worshipped? by offering violence unto them, and suffering a Synagogue to be built in the midst of that City, wherein I am worshipped, and my Crosse adored, by those who have been my Murderers? *When St.* Ambrose *came forth of the Pulpit, the* Emperor *saying to him*: O Bishop, you have this day preached against us. *He thereunto replyed*; He had not spoken against him, but for him. *To which the Emperor subjoyning*, O Bishop, will you have the people in a well governed Commonwealth, to have license rashly and impudently to do what they please? *St.* Ambrose *thereto rejoyned*: Neither is this verily to be granted, That the Iews should have Synagogues in the midst of

a Christian City, and offend the ears of the Godly with blasphemous Prayers: Nor oughtest thou to Decree this, most holy Emperor; *Whereupon the Emperor being quite silenced and convinced of his error, forthwith gave his faith and promise to St.* Ambrose, *to reverse his former decree for re-building the Iews Synagogue*, before he went to the Altar to receive the Sacrament at his hands. I wish this my *Demurrer* may produce the like effects, & prove a perpetual barre to the present and future readmission of them and their Synogogues into England.

Gal. 5. 2,3,4. Behold I *Paul* say unto you, that if* ye be circumcised, Christ shall profit you nothing; For I testifie again to every man that is circumcised, that he is a debtor to do the whole Law: Christ is become of no effect unto you; whosoever of you are justified by the Law, ye are fallen from Grace.

*As every Jew is.

1 *Joh* 4. 3. Every Spirit that* confesseth not that Iesus Christ is come in the flesh, is not of God, and THIS IS THE SPIRIT OF ANTICHRIST, wherof ye have heard that it should come, and even now already is in the world.

* The case of every Jewish Spirit.

Alexandri ab Alexandro Iurisperiti Neapolitani, Genialium dierum lib. VI. cap. VII. Querebat aliquando exme, dum Comæ agerem, Raphael Volaterranus, vir insignis doctrinæ & virtutis, cui ad mores emendatissimos gravitas libero homine digna, non modicam accessionem faciebat, quid causæ foret, quòd cum causarum patrociniis & foro usque a pueritia essem addictus, illis posthabitis, & quasi forensibu negotiis prætermissiis, in his studiis mitioribus ita me oblectatem, ut causarum patrociniis bellum indixisse viderer? cui hoc causæ referebam, quòd leges, quæ ad communem utilitatem editæ, studio & labore maximo quæsitæ & meditatæ nobis forent, neque ab his qui jura darent, coli, neque perinde ut oporteret, præcipi viderem, doleremque juri dicundo illos plerunque peæsidere, qui eas vel turpiter ignorarent, vel per gratiam & sordes facilè corrumpi sinerent: & quibus servandarum legum præ-

præcipua imminet cura, hi maximè legum scita contemnerent: quibus rebus effici, ut tot scita & decreta veterum monumentis nobis tradita, maximisque ingeniis elaborata, & tam pensiculatè expensa, unus homunculus nequissimus audaciſſimusque, ignarus legum, judiciorum & fori, qui magistratui præesset, non salubri temperamento, nec disceptatione ac judicio, sed ausu temerario, & omni jure neglecto, ad suam libidinem per scelus & nequitiam everteret. Horum non minima exempla dicebam fore ea, quæ dudum experti vidimus. Nuper cùm Romæ custodias cognoscerem, operæ precium fuit videre, quæ rerum miracula monstris & portentis similia, ac dictu fastidienda, quæve turpitudines ad aliquorum libidinem admitterentur contra jus fasque: siquidem sacerdotem quempiam in his nacti sumus, gravem & sanctum virum, vita & moribus ornatissimũ, hominem profectò honestæ & magnæ laudis, diu tenebris & carcere maceratum, indignissimam fortunam subire coactum, pro eo quòd pecuniam sibi traditam ab eo qui illam furto subtraxerat, ut vero domino restitueretur, illius jussu mandatoque restituerat suppresso autore, ipsumq; quæstionibus subdi vidimus & tormentis vexari, ut illum qui conscientia culpæ, & spe veniæ adductus, abstulisse confessus fuerat, palàm faceret, delinquentisque delicta, quæ ille pœnitens culpæ dixerat, enunciaret: quo discrimine adactus pauper senior, confitentis peccatum & delinquentem enunciare coactus fuit: quod quidem Scripto jure vetitum, sanctionibusque & decretis interdictum esse constat. Rursus alium immani scelere coopertum hominem impurissimum turpissimumque, qui maximorum criminum reus testibus, tabulis, testimoniis, & certissimis documentis convictus fuerat, quæ nec ipse gloriabundus diffitebatur, quiq; legum, judiciorumque pœnis sævi me coercendus erat, ab eisdem ergastulis, sola præsidentis temeritate, nullo negotio dimitti & liberari, aliasque audacias & turpitudines, ne dicam scelera indigna audiru profatuque, quæ vix credenti non modò enunciata, sed visa & comperta fuere. Iason Mataſſalanus & Ludo-

vicus

vicus Matha, quum sacerdotalibus quibus fungebantur muneribus cedere nollent, quæsitis occasionibus ad inimicorum libidinem, tetro carcere usque eò tenti fuere, donec illorum arbitrio singulis ornamentis, fama, & fortunis omnibus exturbati, quoad illis liberet, excruciati sunt, non verò judicio, sed præsidentis sola temeritate & libidine: ne prosequar viros vitæ inculpassimæ, summa integritate & fide, falsis criminibus circunuentos ab impotentibus inimicis, miseros & laborentes, in quos graviter crudeliterque consultum vidimus, vel ut afflictas fortunas invaderent, ipsosque de possessione & antiquissimis sedibus deturbarent, vel ut invidorum libidini obtemperarent: aliaque in miseros edita exempla, nulla pietate in supplices & calamitosos, eosque innoxios turpibus judiciis conflictari, & usque premi ab his, qui gratiâ & opibus plus possunt, pollentque, alios vero autores manifesti facinoris, ne appellari quidem. Quæ cum viderem, patroniſque contra vim potentiorum aut gratiam nihil præsidii esse, nihil opus frustra nos in legum controversiis, & ediscendis tot casuum varietatibus tam pensiculatè editis, tantum laboris & vigiliarum suscipere, tantoque nos studio fatigari dicebam, quum ad ignaviſſimi impuriſſimique cujusq; temeritatem, qui jure dicundo præsideret, quem leges virum bonum esse volunt, non æquo jure, sed ad gratiam & libidinem judicia ferri, decretaque legum tanto consilio edita convelli & labefactari viderem.

FINIS.

ERRATA.

EPistle p. 8. l. 17. *servants were*, r. *Converts willbe*, l. 33. *excogitavit*, p. 19. l. 10. *discover*, Book, p. 9. l. 8. r. *multa*. p. 20. l. 21. r. *quæsuerunt sufficere*. p. 35. l. 10. thence *from*. p. 41. l. 11. r. *Claus*. 4. E. 1. l. 12. r. *Gamalat*. l. 19. *parte ne*. r. *Regno nostro*; p. 45. l. 20. *Judæ*. p. 62. l. 4. *Isle*, r. *first*. p. 105: l. 11. *Ceremonies*, l. 35. *these*, p. 109. l. 32: others, r. *their*.

Margin: p. 35. l. 13. *Geogr*. p. 49. l. 3: c. 10. p: 105. l. 1. *Imo*: l. 23. 1 Tim: 5. 8. p. 115. l. 17. *Ebræorum* l. 22. *servirebant*. p. 116. l. 42. *Episcopalis*, l. 42. *Calderninus*.

A speedy HVE and CRIE:

After Generall *Massie*, Col. *Poyntz*, Sir *Robert Pye*, *William Pryn*, and many other new-modelled Reformadoes.

Who for countenancing tumults, betraying their trust to the Army, keeping backe supplies from languishing Ireland, plotting and contriving a most horrid and bloody designe of prosecuting a new warre, and ingaging the City of *London* therein, are now fled into Scotland, and leavying an Army against Sir *Thomas Fairfax*.

Wherein the Presbyterians are displayed, opened, anatomized, and described in their true colours.

Whereby all well-affected to the peace of the Kingdome, may plainly perceive, what kinde of virulent and banefull Vipers the Presbyters are, and how they seeke their owne private interests through blood, and the Kingdomes ruine.

Printed in the Yeare of Jubile, 1647.

A speedy Hue and Crie, &c.

To all High-Constables, Constables, Headboroughs, or any other his Ma. Officers whatsoever.

THese are in the names of all the well-affected in the three Kingdomes, that love peace and truth; That you make all diligent search in your severall precincts and jurisdictions, for Col. *Massie*, of a sanguine complexion, of a middle age, browne frizld haire, a black plush Jacket, scarlet hose, something addicted to Venery and carousing, he being sometime an Apprentice on London bridge, but gave his Master the bag, and tooke Holland, where he learned to drinke upsie frieze, flapdragons, &c. besides to be a Soldier: he practised in his owne native Country, and became Governor of the City of *Glocester*, but since, prompted by his known ambition and treachery, having differted his trust in the Army, seeking to sow the seeds of discord and dissention amongst his brethren, by the instigation, aid, and assistance of the rest of his complices, the impeached Members, to make the Army odious to the Parliament and people, pocquetted up moneyes designed for Ireland, and under pretence of leavying forces for relieſe of the same, underhand did advance a most abhorred and treackerous plot or designe, to beget a new war; the readiest way to effect which, was to perswade the Lord Major and divers Aldermen of the City (who were too forward to listen to such Syrens) that the Independents (as they call them) had already most uncivilly taken the King violently from Holdenby, where he was placed by command of both Kingdomes, and kept his Majesty their prisoner, hurried him too and fro, &c. when, to speake the truth, what they did, was both according to the law of Nature, of Nations, of Religion, and Allegiance to his Majesty; his Majesty being restrained, and kept (by the powerfull influence of ill affected Members) prisoner at Holdenby, and denied any two of

his Chaplains for the performing of Religious duties betweene God and his owne soule, of all restraints or punishments the worst; besides denied him the sight of his deare and Princely children, and there kept (as prisoner) in no capacity to Treat, the readiest way to bring these unhappy divisions to a happy period. Now I hope there can be none so void of reason, as to ask us againe, by what authority we did it; as if there needed Authority (according to our allegiance) to defend our King, or deliver him the *Supreame Authority*, from such cruell and unheard of restraints, and imprisonments, which every loyall Subject is bound to doe, and is warrantable both by the Law of God and Man.

But if heere bee not enough to incense the City against the Army and their Generall, let us try another way: We must side with the impeached Members, and other malecontents, as Col. *Poyntz*, and others: then march in a full body to most of the Aldermen and Common Counsell, that stand stifflest for the Presbytery, as Alderman *Bunce*, *Langley*, *Bigges*, *Adams*, &c. tell them that the House of Commons is swaied only by a company of Independents, as might appeare by their Ordinance to make Sir *Thomas Fairefax* Generall of the 3. Kingdomes; That if they did not suddenly prevent it, this City, all their riches, and all that was neere or deare to them, would become a prey to an Army of Anabaptists, Brownists, Hereticks, Schismaticks, and damnable Sectaries: Therefore *fore-warne*, *fore-arme*: policy is the best art of prevention, quickly muster up all your forces, all the boyes, sea-men, water-men, yong-men, scholers, and scullers, and all too little. You see how your Religious Divines are reproached, and slandered (with matters of truth) by the Sectaries, that have lately written, *The last Will and Testament of Presbytery*: therefore send for the Presbyterian Priests, bid them cry out, *The cause of God, the cause of God, of Christ, of his Church*, and *the three kingdomes*: let them turne up the whites of their eyes, cry and howle so loud till their voices rend and ruine the whole Kingdome and City all to peeces, as they have done once before, to ruine and rend in peeces many noble families, with heartburnings, conspiracies, Rebellion, &c. in this Kingdome:

let

let them call *Maſſie*, *Waller*, and *Poyntz*, and tell them, *their faces look like the faces of Lions*, as once they did his Excellence, the Earle of *Eſſex*: bid them incite yong men to liſt themſelves with all ſpeed willingly: The rich men freely to contribute, and diſburſe their coyn to provide Armes and Ammunition quickly, or elſe they will all become guilty of the deaths of many thouſand Innocents, which theſe Sectaries will make no conſcience to kill and deſtroy, bid them conſider what vaſt ſums have bin raiſed in this City, and yet notwithſtanding (if not timely prevented) it will be become a deſolate Wilderneſſe, and a habitatiō for Owles, after all her ſtately Pallaces are laid in the duſt: This cannot chuſe but take the people admirably, and make them cry out with one voice, *O come let us engage our ſelves as one man with Noble Maſſie, that wee may ſpeedily prevent ſo neere an approaching evill, before it fall upon us - Let us do it ſpeedily, leſt it be too late, and no hopes left for a reconcilement.*

Next let them informe the people, that the Army fights for *liberty of conſcience*, that opens the doore to all manner of profaneneſſe, that the Army are of all Religions, and no Religion, and a meere compound of all Hereſies, Schiſme, and faction, and peſtilent enemies to all Nationall conformity, oppoſe the Solemne League and Covenant to the death, will not pay Tythes, nor ever muſt wee hope that they will be reformed to our [formall] *Presbyteriall Government*, and if theſe men ſhould overcome us, as now 'tis likely they may, alas what would become of us, worke wee cannot, to begge wee are aſhamed, our *pretences, equivocations, mentall reſervations, falſe gloſſes, and ſophiſtications* will be laid all in our diſhes, and wee expoſed to cry Mary-bones, ſell ſmall-coale, rat-traps, and tinder-boxes, turne ſtone-cutters, or ſow-gelders, or any thing for a living (which would be a thing odious both to God and man) wee are very ſenſible, that the Army will rather eſtabliſh Epiſcopacy againe (that hath beene of long continuance) then Presbytery that came from naſty Scotland in a lowſie cloakebagge; Rather the old Service-booke (formerly thought worthy to be eſtabliſhed by Act of Parliament) then the new Directory: Alas poore Directory, 100*l.* for that man, nay rather backſide of a man

that shall but dare to defile thy sacred lines. Thou, good Volume madest *Byfield* and *Robrough* spend their grease in writing thee over and over againe, and art thou now become like an Almanack of the last yeere, out of date: How is thy glory decayed? The hedge of thy vineyard broken downe, and thy Scotch Discipline laid in the grave, (*alas poore Dr. Burges*) and all the putredinous Vermine of bold Schismaticks, and frantick Sectaries, glory in her ashes? Why don't your grave wisdomes get your boyes to run in a tumultuous manner to Westminster, and compell the Houses of Parliament to remedy all this — Get the utter your (crop-ear'd) *Barrester* of Lincolns Inne to plead your cause, and query whether your late tumult, (upon no worse persons then the Lords and Commons in Parliament; as once before upon his Majesties Person, from whence sprung most of these sad divisions and bloodshed) deserve not a certaine kinde of easie punishment called in our tongue, *hanging, drawing, and quartering.*

Whether when a company of peacefull men, Citizens, Merchants, and other free-men of the City, comming with a Petition for the good of this City, themselves, and the whole Kingdome, to the Major, Aldermen, or Common-Counsell thereof, unarmed,, ought to be assaulted in the streets, killed, or cut limbe from limbe, cursed, with many imprecations, and nicknamed, and abused in a shamefull and uncivill manner, by Collonell *Poyntz*, and divers of his faction; and whether it would not be justice, and give great satisfaction to his Majestie and the people, that the Parliament would use all diligence to finde out, and apprehend the abettors, raisers, contrivers, and setters on of such tumults, and the offenders to be committed to safe custody, and tryed according to the knowne Lawes of the Land, it being most likely the selfe same men, gave incouragement, or set on others to come in the like tumultuous manner to his Majesties Court of White-Hall, against whom his Majesty could not have justice to this very day, though he hath complained thereof in his Declarations?

These be the blessed fruits of this present Reformation, and a new Presbyterian reformed way to answer Petitions for

peace.

peace, as formerly to pay debts: This Reformation is worth observation, especially having beene so long a hatching, which hath made the new Deane of *Pauls*, and Master *Sedgewick* hint it often in their prayers and Sermons (amongst the rest of their non-sense, ignorance, treasons, and blasphemies.)

That the great Worke of Reformation hath ever prooved a difficult worke; for when *Nehemiah* was building the Walls of Jerusalem hee was assaulted by *Sanballet* and others, and was faine to worke with one hand and fight with the other; but surely *Nehemiah* wrought not like you, you sit close enough, safe enough, and long enough, yet never finish your great worke, they finished theirs: You in your zealous pangs of non-sense pray, *that your great worke may be carryed on by the hands of your assembly, as long as the sunne and moone endures*; you have wrought faire, who doe you thinke will pay you your wages, you never must expect foure shillings a day more: I make no doubt but his Majestie, the Parliament, and all Governours under them, whatsoever, (if they intend that the people committed to their charge shall leade peaceable and quiet lives under them) will in policie to the generall good, see the securing their dominions from such factious spirits, by such wholesome and strict Laws, as may best conduce to the suppression of such impatient, violent, ambitious, and treasonous, rebellious designes, that it is hard to say, who are the archest Jesuiticall Traytors of all, whether Papists, or Presbyters; since as Master *Edwards* saith in his *Antipol.* That the Parliament is bound in all duty, to force and compell all men to yeeld active and passive obedience to the Decrees of the Assembly.

I will conclude with an observation of a friend of mine upon their character, which may serve for a Postscript.

This Creature (ycleped a Presbyter) is of complexion chollerick, conjoyned with melancholly, the second makes him deepe in speculation to study mischiefe, the first quick in invention to act it; his conditions are furious, fighting against heaven, *Saturne* and *Mars*, opposing *Sol* and *Jupiter*, makes him (if he had power answerable to his ambitious heart) hee would grasp the North pole with one hand, and the South pole with

with the other; nay he would pull God out of Heaven, and the King from his throne, which makes him lay about him in his Pulpit, as if he were felling Oakes, expreſſing his treaſons and blaſphemies againſt both with ſuch fury, as if he would eate up his auditors, for his nouriſhment, he thirſteth for blood, and is hungry after it. To conclude,

Hee is undertaught, and over-fed,
A little wit, and a Round-head.

But enough of theſe, now to proceed to my Hue and crie, The ſaid *Pointz* going in a red jacket laid with gold lace, blacke curled hayre, (like unto one of the Furies) bloody hands, a rotten heart; feete that are ſwift to ſhedd innocent blood, &c.

For the ſaid *Will: Pryn*, you may eaſily know him by a long meager face (like envy it ſelfe) eares crop* cloſe to his head, which is ſtopt with plots, Queries, workes of darkneſſe, and the like; he is ſlit in the noſe, mark'd in both cheeks, and the fore-head with S. for Schiſmaticall ſlanderer &c.

* He conditioned with the Hangman when hee firſt ſtood in the Pillory to give him 10.s. to favour him, but after denyed it; therefore the ſecond time hee cut him cloſe.

For Sir *Robert Pye*, wee feare not but to finde him, before Chriſtmaſſe, minc'd, and ready bak'd, or with a Cocks combe, Turkies, or Gooſes head peaking out of his cruſt.

Oyes, O yes, if any manner of man or woman in towne, Citie, or countrey, can tell any tale or tydings of theſe Traytors to the publique peace of the Kingdome, let them bring word to the cryer, and they ſhall be well rewarded for their paines.

God ſave the King and Parliament, and bleſſe Sir Thomas Fairfax.

FINIS.

THE VNBISHOPING OF TIMOTHY AND TITVS.

OR

A briefe elaborate *Discourse*, prooving *Timothy* to be no *Bishop* (much lesse any sole, or Diocæsan Bishop) of *Ephesus*, nor *Titus* of *Crete*; and that the power of ordination, or imposition of hands, belongs *Iure Divino* to Presbyters, as well as to Bishops, and not to Bishops onely.

Wherein all Objections and Pretences to the contrary are fully answered; and the pretended superiority of Bishops over other Ministers and Presbyters *Iure Divino*, (now much contended for) utterly subverted in a most perspicuous maner.

By a Wellwisher to Gods truth and people.

Matthew. 15. 13.

Every plant which my heavenly Father hath not planted, shall be rooted out.

Chrysostom. Opus imperfectum in Matth. Hom. 35.

Quicunque desideraverit Primatum in terra, inveniet in Cœlo confusionem; ut jam inter servos Christi, non sit de Primatu certamen.

In the Yeare M. DC. XXXVI.

To the Reader.



CHristian Reader, what that Oracle of wisedome hath registred; *Prov. 13. 10. Onely by pride cometh contention*; was never more really verified in any one particular, then in the Prelates: whose ambitious windy tumor, and overswelling pride, as in al former ages, so in this, hath (a) *filled the whole Christian World with warres, with civill dissensions; and the Church it selfe, with endlesse schismes, controversies, contentions, which else would never had existence.* The pretended primacy of the great Pontificall Bishop of Rome, what tumults, battles, warres, treasons, rebellions, murders, martyrdomes, hath it ingendred on the one hand; what disputes, bookes of controversie, and paper-battles, on the other? What innumerable Schismes, Treatises (which the undoubted parity of Ministers and Bishops *Iure Divino* had prevented) have

(a) *See Theodoricus à Niem, Zabarel, & Iohannis Marius De Schismate, Master Tyndals obedience of a Christian man; and practise of Popish Prelates. Doctor Iohn White his Defence of the way, c. 6. the fifth part of the Homily against Disobedience & willfull rebellion. Fox Acts and Monuments throughout. Catalog. Testium Veritatis.*

the Prelates pretended ſuperiority by divine inſtitution, over Preſbyters and their fellow-Miniſters, produced in all ages, Churches, eſpecially in our owne, (which from the firſt glimmerings of the Goſpell in Iohn Wiclifes dayes till now, hath beene more or leſſe diſquieted with this unhappy controverſie?) which being raked up in the aſhes for a ſpace, by reaſon of our Biſhops waiving of their divine right, (which not onely *Archbiſhop* (b) *Anſelme*, (c) *Richardus Armachanus*, and (d) *Biſhop Peacocke* of old, but likewiſe (e) *Biſhop Tonſtall*, *Biſhop Stokeſly*, (f) *Biſhop Hooper*, (g) *Biſhop Iewell*, (h) *Biſhop Alley*, (i) *Biſhop Pilkington*, yea (k) *Archbiſhop Whitgift* himſelfe, and (l) *Biſhop Bridges*, to omitt all others, have ſince them publikely diſclaimed; *confeſſing Biſhops and Preſbyters, Iure Divino to be allone, equall, and the ſame*; and the Statutes of 37. *H.* 8. *c.* 17. 1. *Ed.* 6. *c.* 2. 1. *& 2. Mariæ c.* 8. *&* 1. *Eliz. ab. c.* 1. *for ever judicially in full Parliament reſolved againſt*;) yet our preſent ambitious Prelates ſtudying to ſurmount their predeceſſors, not onely in worldly pompe and power, derived from their indulgent Soveraigne, but likewiſe in ſpirituall Iuriſdiction, claimed from God himſelfe, (though they have neither time nor care to preach, pray, or doe him any Epiſcopall ſervice, being wholly taken up with ſecular offices and affaires, and ‡ *unable to ſerve God for ſer-*

(b) *Com. in Phil.* 1. 1. *in Tit.* 1. 5. 7. *in* 1. *Tim* 3. & 4.
(c) *De Queſt. Armenorum. l.* 11. *c.* 1. *ro* 8.
(d) *Baleus Cent.* 8. *c.* 19.
(e) *Fox Acts Monuments p.* 972. 973.
(f) *On the* 8 *Commandement.*
(g) *Defence of the Apologie, part.* 2. *c.* 3. *Diviſ.* 1. 5. *p.* 85. 99. 100. 101. *& c.* 9. *Diviſ.* 1 *p.* 196. 202.
(h) *Poore mans Library, part.* 1. *f.* 95. 96.
(i) *Expoſit. on Aggius, verſ.* 1. *&* 2.
(k) *Againſt Cartwright. p.* 389.
(l) *Of the Princes Supremacy p.* 359.
‡ *Matth.* 6. 24. *Lu.* 16. 13. 1. *Iohn.* 2. 15. 16.

ving

ving his incompacible enemies, Mamon, and the World,) have lately blowne abroade the coales, and resuscitated the violent flames of this contention afresh, by a new ambitious claime of all their Episcopall Soveraignity and Iurisdiction, *Iure Divino*, even *in the High Commission Court it selfe*, in the late censure of *Doctor Bastwicke*, for a Booke written *onely against the Pope and Italian Bishops*, without any reflection upon them, as all men then conceived, and therefore wondred at, till their magnifying of the *Church of* (m) *Rome as a true Church in that Censure of his, and some late licensed Pamphlets*, their Antichristian and Papall proceedings against Gods truth, Ministers, Ordinances, and the late authorizing of *Doctor Pocklingtons* (n) *Sunday no Sabbath, by the Archbishop of Canterburies owne Chaplaine, Master Bray*; which expressly avers, *that our Archbishops and Bishops can and doe lineally derive their Pedigree and Succession from Peter and the Popes of Rome; hath since instructed the ignorant people, that Popes Italian and English Bishops, are in truth* * *all members of the same body, whelpes of the same litter, branches of the same tree, and our present Prelates the Pope of Romes owne lineally discended sonnes*, so as they could not but be sensible of, and highly offended, if not actually lashed, wounded with their fathers scourge; *Flagellum Pontificis & Episcoporum Latialium*, being a whip for them, as well as for the Italian Prelates.

Now because in that late Censure of theirs, they

(m) *See Chownæus Collect. Theolog. and Shelford his 5. Treatises.*

(n) *Pag. 2. 43. 44.*

* *See Henry Stalbridge his Exhortatory Epistle. William Wraghton his Hunting of the Romish Fox. Rodericke Mors his Complaint. c. 23. Master Tyndals his obedience of a Christian man, and Practise of Popish Prelates. Fox Acts and Monuments pag. 414. 514. 516. 518. Master*

all founded the divine right of their Episcopall Superintendency and Dominion over their Fellow-Presbyters, onely on the examples of Timothy and Titus, (whom they then new consecrated Diocæsan Bishops over Ephesus and Crete almost 1600. yeares after their decease, though Christ and Paul himselfe had never done it in their life times:) and on a supposed divine Monopoly of conferring Orders and imposing hands, appropriated by God himselfe to Diocæsan Bishops, distinct in Iurisdiction, power and degree from Ministers and Presbyters; I have therefore here for the future quickening of this much agitated controversie, confined my discourse within the lists of such questions, (not formerly fully debated by any in the English tongue, that I have met with) by the discussion whereof I have (I suppose) so shaken these rotten pillars, and undermined these o *sandy foundations* of their high-towring, over-swelling Hierarchy, as that I have left them no divine prop or groundworke to support it longer; so as it must now certainly (for any stay is left it in Scripture) come tumbling downe headlong to the very ground, (and me thinkes I heare the fall of it allready sounding in my eares) unlesse with speed they wholly quit these false foundations, and bottom their Prelacy and Iurisdiction onely on his Majesties Princely favour, (not Gods or Christs divine institution) which because they have so lately judicially disclaimed in open Court, and even at *this present execute all Acts of Episcopall Iurisdiction by their owne inherent power, without any speciall Commission from his Majesty under his greate Seale, keeping their Courts, visi-*

o Matth. 7. 6. 27.

visitations, and making out all their citations, proces, excommunications, probate of Wils, Letters of administration &c. in their owne names and under their owne Seales, as if they were absolute Popes and Monarches, contrary to the Statutes of 25. H. 8. c. 19. 26. H. 8. c. 1. 37. H. 8. c. 17. 1. Ed. 6. c. 2. 1. Eliz. c. 1. 8. Eliz. c. 1. their Oath of Supremacy, and their *High-Commission* it selfe, which might teach them another lesson (as that it confines them to doe all things by his Majesties speciall Commission, in his name and under his Seale, when they are all there joyned together, much more therefore when they are divided in their severall Dioces;) and because they have * *blotted out Cæsars Image and superscription, his Armes and and royall Title out of their Courts, proces and all ecclesiasticall proceedings, and inserted onely their owne in leive thereof, that so they may appeare to all the World to be no longer his but theirs, and hee (if hee should chance to chalenge and resume them as his owne) might not henceforth owne or claime them to be his;* they have litle reason now to attempt, and his Majesty farre lesse to suffer, and so having neither God nor the King, divine nor humaine Right to support them, they must (as the proverbe is, *between two stooles the arse goes to the ground*) now at last in the middest of their usurped greatnes, fall flat upon the ground, and this their *fall, q proove very great*, because they now of late, are growen so, * *not being content with the office of a Bishop, but they must be also Kings, temporall Lords and cheife state officers, against Christs expresse commaund and Gods owne Law, to sway both Church and state at pleasure, if so they may ingrosse* ‡ *into their sacred hands the sole rule and*

* *See Sir Iohn Dauis his Irish Reports f. 97. 98. an excellent passage to this purpose.*

q Math. 7. 27.

* *Doctor Barnes, Articles Artic. 8. p. 211. Master Tyndals Practise of Popish Prelates p. 342 343. &c. and Obedience of a Christian man.*

‡ 37. H. 8. c. 17.

and governement of the world, having great possessions; and being great Lords also as they are Prelates, and yet doing nothing therefore at all in point of preaching, feeding, and instructing the people committed to their spirituall charge, but onely playing the part of a Bishop, as a Christmas game-player doth of a King and as a Poppet, which springeth up and downe, and cryeth Peepe, Peepe, and goeth his way, as * *Doctor Barnes writes* wittily of *the Bishops of his age.* Which swelling greatnesse ~~of~~ ambition of theirs as it will make their downefall the greater, so the speedier; being a sure prognosticke of their approaching ruine, as the greatnesse of any unnaturall swelling in the body is of its present ensuing rupture. *a Pride ever going before destruction, and a lofty spirit before a fall,* and they usually dogging them at the heeles; because * *God himselfe resisteth the proud,* but then most of all when they are at the highest; according to that of the Psalmist, † *Thou puttest away all the wicked of the earth like drosse,* which assoone as ever it hath gotten up to the top of the pot, and elevated it selfe above the pure mettle, is then scummed off and cast away.

Towards which their desired speedy downfall, if these my unworthy labours shall through Gods blessing on, and thy prayers for them, contribute any assistance, for the ease, releife or comfort of Gods poore people, * *who are every where most wrongfully, without, yea* † *against all Law and reason oppressed, and cast out of their benefices, freeholds, possessions, imprisoned, fined, excommunicated, silenced, suspended, vilified, crushed, and troden under feet by their intolerable tyrannie, might and unbounded extravagant power,* I shall neither repent me of

* What the Keyes of the Church be. p. 266.

a Prov. 16. 18.

* 1. Pet. 5. 5.

† Psa. 119. 119.

* See Thomas Bectron his supplication, Vol. 3. of his Workes in folio f. 21. to. 25. A most excellent passage to this purpose suitable to our times.

Bacon

† Magna Charta. c. 29. The Petition of Right. 3. Caroli. and other Statutes in Rastall Accusation.

of the penning, nor thou thy ſelfe of the reading of it, wherefore here humbly proſtrating it to thy impartiall Cenſure, and commending it to the bleſſing of that omnipotent God, who to ſhew the infinitenes of his wiſedome and power, doth oft times ☞ *chooſe the fooliſh things of the world to confound the wiſe, the weake things of the world to confound the things that are mighty, and baſe things of the world, and things that are deſpiſed, yea and things that are not, to bring to nought things that are, that no fleſh ſhould glory in his preſence.* ☞ 1.Cor.1. 27.28. 29. I ſhall take my leave of thee till ſome further occaſion.

Farewell, and pray for me.

To the Right Reverend Fathers in God William Lord Archbishop of Canterbury : And Richard Lord Archbishop of Yorkes, Primates and Metropolitanes of all England.

MY *Lords*, I have sundry times heard both of you joyntly and severally protesting even in open Court, not onely in the * *High-Commission*, (~~but~~ in Dr. Laytons and two other cases since) *Starchamber* to, (whether seriously or vauntingly onely let the event determine;) *That if you could not proove your Episcopall Iurisdiction and function which you now claime and exercise over other Ministers, and your selves as you are Bishops to be superior in power, dignity and degree to other Ministers Iure Divino* (a doctrine which a *Patricke Adamson Archbishop of S. Andrewes in Scotland, publikely recanted in the Synod of Fiffe Anno* 1591. *as directly repugnant to, and having no foundation at all in the word of God*;) you *would forthwith cast away your Rochets of your backes, lay downe your Bishoprickes at his Mjesties feet, and not continue* Bishops *ane*

*In Master Thomas Brewers, Doctor Bastweekes, and sundry other cases.

a An. Melvini Patricij Adamsoni Palinodia, printed An. 1630.

one hower longer. What your Lordships have so oft averred and publikely promised before many witnesses, (I hope *bonâ fide*, because judicially in full Court upon goodadvise, not rashly on some sodaine fitt of choler,) I shall make bold, to challenge you to make good without more delay; either by giving a solid satisfactorie speedy answere to this short *Treatise* (consisting onely of 2. *Questions*, which you may devide between you, and so speedily reply to, if your great *b secular occasions*, not *your praying and c frequent preaching*, *which are onely truly Epicopall*, though you deeme them overmeane imployment for Archbishops interrupt you not:) which manifests all that *Jus Divinum* which hitherto both or either your Lordships have pretended for your Episcopalities to be but a meere absurd ridiculous faction, having not the least shadow of Scripture to support it; or in case you either cannot or faile to give such an Answer to it in convenient time; by pulling off your Rochets and resigning up your Archbishoprikes (which without all question are but a meere humaine, and no divine Institution, as I have evidenced:) into his Majesties hands, *d from whom* you dare not deny *you onely and wholly received them*, *with all your Episcopall Jurisdiction and Authority thereunto annexed*, whereby you difference your selves from, or advance your selves above your Fellow-Ministers as their supreme Lords, unlesse you will split your selves against the hard rocke of a Præmunire, and the Statutes of: 26. H. 8. c. 1. 31. H. 8. c. 9. 10. 37. H. c. 17. 1. Ed. 6. c. 2. 1. Eliz. c. 1. 5. Eliz. c. 1. 8. Eliz. c. 1. which Acts as they will in-

b See Master Tyndals Obedience of a Christian man. The holy Practise of Popish Prelates.

c 1. Tim. 3. 2. 3. 2, Tim. 4. 1. to. 5 Tit. 1. & 2. 1. Pet. 5. 2. 3.

d 31. H. 8. c. 9 37. H. 8. c. 17. 1. E 6 c. 1. & *all the Bishops Patents for their consecration and Cong. dasliere.*

forme your Lordships, notwithstanding all your former vaunts and brags of divine right, *That the Archbishops, Bishops, Arch-deacons and other Ecclesiasticall persons of this Realme, HAVE NO MANER OF IVRISDICTION ECCLESIASTICALL, BVT BY, VNDER AND FROM THE KINGS ROYALL MAJESTY; to whom by holy Scripture ALL AVTHORITY AND POWER IS WHOLY GIVEN, to heare and determine all maner causes Ecclesiasticall, and to correct vice and sinne whatsoever, and to all such persons as his* † *Majesty shall appoint thereunto: That all authority and Iurisdiction spirituall and temporall is derived and deducted from the Kings Majesty, as supreme head of the Church and Realme of England, and so justly acknowledged by the Cleargy thereof: That all Courts Ecclesiasticall within the Realme were then* (and now ought to be though they are not) *kept by no other power or authority either forraigne or within the Realme, but by the authority of his most excellent Majesty onely; and that by vertue of some speciall commission or letters Patents under his Majesties great Seale, and in his name and right alone: That all power of Visitation of the Ecclesiasticall State and Persons (much more then of our Vniversities exempt from Archiepiscopall & Episcopall Iurisdiction) is united and annexed as a royall prerogative to the Kings Imperiall Crowne, and to be executed by none but by Patent under him: And that all your Citations, processe, Excommunications, Probates of Wils, Commissions of Administration &c. ought to be made onely in his Majesties name, and sealed with his seale (as they were in King Henry the 8. and King Edwards dayes,*

† Not Archbishops or Bishops; who can make no Chancellours, Vicar generals Commissaries or Officials unlesse the King by his speciall Patent give them power so to doe in expresse words, as these Statutes evidence and the Bishops Patents in Edward the 6. Raigne.

wit-

witnesse the Bishops Registers, Proces and Probates of wils in their two raignes, and now are *in your High-Commission*) that so both the Courts and processe migth be ‡ *known to be his Majesties by leaving his Image, stile and superscription ingraven on them*, and to be derived unto you, not by any divine right, but by his Princely grace alone, *who hath as absolute an Ecclesiasticall Iurisdiction, as any of his royall progenitors enjoyed, both by the Lawes of God and a of the Realme*: So they will inforce your Lordships to acknowledge, (unlesse you will renounce your Alegiance to your most gracious Soveraigne, whose meere grace hath advanced you to what you now are,) that all your Episcopall Iurisdiction, whereby you are distinguished from, or elevated above any ordinary Presbyters and Ministers, is not from any divine Charter or Commission from Christ, but * *onely in, by, from, and under his Majesty*; and so not *Iure Divino*, as you have thus frequently craked and boasted to the world; so as you must either now forthwith renounce your Bishoprikes according to your Protestations, or else be guilty of breach of promise; unlesse you can proove you enjoy them onely by a divine right, and yet onely in, by, from, and under his Majesty, which is a contradiction.

‡ Matth. 22. 20. 21. *Sir John Davis his Irish Reports.* p. 97. 98. a 26. H. 8. c. 1. 37. H. 8. c. 17. 1. E. 6. c. 2. 1. Eliz. c. 1. 5. Eliz. c. 1. 8. Eliz. c. 1.

* *In case they have by Character or Commission under his Majesties Seale which all of them now want, and so are meere usurpers on his Majesties Crowne and Ecclesiasticall Prerogative in keeping Consistories, Visitations, and Exercising Episcopall Iurisdiction in their owne names, with any Patent or Commission from the King.*

If your Lords to maintaine your divine pretended Episcopall Iurisdiction shall flie to *b Doctor John Pocklington* for ayd (who by † *one of your Domestick Chaplaines* approbation) hath verily published in print, *That you by Gods mercy to our Church, are able lineally to set downe your Succession in your Episcopall dignity, from S. Peters Chaire at Rome, to S. Gregory, and from him, from our first Archbishop S. Augustine* (though we had many *d Archbishops before his comming*) our English Apostle (so the *Papists would have him stiled*; though * *Bishop Jewel, Fox, and g others*, renounce him) downeward to his Grace that now sits in his chaire, Primate and Metropolitane of all England. I shall then desire your Lordships and this Doctor to proove.

First, that S. Peter was a Bishop by divine Institution.

Secondly, that he was Bishop of Rome? of which this *Doctor* is so impatient, that he breakes out unto *h* these passionate words well worthy your Episcopall Censure: *Whereby † their vanity may appeare, that upon idle ghesses against all antiquity, makes fooles beleeve, that S. Peter was k never at Rome; mking the*

b Sunday no Sabath. p. 2 & 44. † W. Bray. d See Antiquit. Eccles. Brit. Bodwines Conversion. of Brittanie with others, who write of King Lucius and Speedes History. Booke 6. c. 9. p. 73. to 82. * Defence of the Apolog. part. 5. c. 1. Divis. 1. people to standing Artic. 1. Divis. 24. Acts and monum. f. 2. p. 95. to 120. and most of lesse Bishop Hæreses. l. c. 3. 4. 5. Bishop, and

g Sped. Hist. l. 6. c. 9. *h* Page. 43. † See Quest. 1. Object. 6. Answer 2. our learned writers, who have affirmed, that Peter was never at Rome much there, upon such grounds as this Doctor cannot answere *k* Epiphanius. Contr. 1. Hær. 27. Col. 88. 89. Eusebius Eccles. Hist. l. 3. c. 21. Irenæus. l. 3. write that both of them were Bishops of Rome at once, and not Peter the sole Eusebius writes Paul in the first place before Peter.

Suc-

Succession of Bishops and truth of the Latine Churches, as questionable as the Centuristes orders.

Thirdly, Wheter Peter was sole Bishop of Rome, or rather Paul also Bishop as well as hee at the same time, and that by divine institution? whence it will follow, that there ought to be † ~~how~~ two Bishops of Rome and so of Canterbury, at the same time, not one alone, or two severall persons at least to constitute one Bishop?

† *See Euseb. Eccles. l. 3. c. 10. 11. Serr. Schol. Eccl. Hist. l. 7. c. 3*

Fourthly, Whether it will follow from Peters being Bishop of Rome *Iure Divino*, that the Archbishops of Canterbury and Yorke must necessarily be Archbishops Iure divino?

Fifthly, Whether if this Doctrine be true, this Proposition can be denied; that your Lordships being lineally descended from the Church and Popes of Rome, are both the true and gemine sonnes and members of these two ghostly Parents? If you deny this inference, then you must renounce this divine Title to your Prelacies; if you subscribe unto it (as I presume you dare not, then all his Majesties loyall subjects (who have in their *m oath of allegiance and supremacy, renounced all forraigne Iurisdiction with the Bishops and Church of Rome, abandoned by* * *severall Acts of Parliament*,) must renounce both you, and this your Episcopall Iurisdiction to, thus claimed: which since you can no wayes substantially proove to be *Iure Divino*, I hope you will now lay downe your Bishoprickes, according to promise, or else be thought never worthy faith or credit more in future time.

m 28 H. 8 c. 10. 1. Eliz. c. 1. * *See Rastall Tit. tome.*

Nei-

* Godwine Catalogue of Bishops of London. 1615. p. 70. 113. 118. 120. 188. 192. 219. 305. 306. 313. 318. 323. 336. 353. 397. 413. 414. 437. 438. 446. 447. 456. 477. 487. 504. 508. 532. 536. 543. 559. 565. 567. 581. 596. 629. 631. 632. 635. 636. 654. 655. 675. 676.

out of a desire of peace, quietnesse, and ease from unnecessary cares, and troubles, others of them meerly out of conscience of the unlawfulnesse, danger, hurt, and sinnes accompanying the very office of Bishops as then it is, and yet is used,) have voluntarily renounced, resigned, relinquished, their Patriarkships, Archbishoprikes, and Bishoprikes, and betooke themselves to a more retired, religious, quiet, private, godly life, wherein they might serve God better and shunne those manifold occasions of evill and temptations unto which their Episcopall function would expresse them both a hazard of their Soules.

If these many forraigne examples, will no wayes moove your Lordships as seeming over strange, we have many pregnant Domestique presidents of like nature, which may perswade you, to make good your promise and induce you to an imitation of them. For I find that * Robert Gemeticnsis, S. Edmund, Boniface, and Robert Kilwardby Archbishops of Canterbury; Richard Beaueyes, and William de sancta Maria Bishops of London, Iohn Bokingham, and Philip Ripingdon, Bishops of Lincolne, Richard Peche, and Roger de Weseham Bishops of Coventre, and Lichfeild, Herman Bishop of Sherborne, Shaxton Bishop of Sabisbury, William Warneft, Iohn Voysy, and Miles Coverdale (who being deprived in Queene Maries time, cared not to returne to his Bishoprike in Queene Elizabeths, setling himselfe in London and there leading a private life as an ordinary Minister) Bishops of Exeter, Iohn Carpenter and Master Hugh Latimer, Bishops of Worcester (the later of whom ‡ skipped

‡ Fox Acts and Monuments p. 1578. His 2. 3. and 4. Sermons before King Edward.

for

for joy when hee had caſt off his Rochet, for that hee was eaſed of ſo heavy a burthen, and bleſſed God that he had given him grace to make himſelfe a Quondam Biſhop;) Ralfe de Maydeſtan Biſhop of Hereford. Putta, Quickhelmus, and Haymo Biſhops of Rocheſter, (the firſt of them becoming a Schoolemaſter, ſpent the reſidue of his dayes in that kinde of life, and could never abide to heare of returning to his Biſhoprike;) Dubricius Biſhop of Carleon, Sulghein Biſhop of S. Davids, Iohn Hunden, Biſhop of Landaffe, Caducanus Biſhop of Bangor, Elguenſis Biſhop of S. Aſſaph, Colman, S. Cuthbert, Egelric and Nicholas de Farnham Biſhops of Lindesfarne and Durham, (the later of whom firſt of all twiſe ~~refuſed~~ ſtirred and then at laſt reſigned his Biſhoprike out of conſcience) Paulinus de Leedes (who peremptorily refuſed out of conſcience to accept the Biſhoprike of Carlile though thereunto elected, and earneſtly intreated by King Henry the ſecond to accept the place, who offert him 300. Markes yearly revenue for the increaſe of his living there, as did Sylveſter de Everdon for a time to,) Walter Malcleike Biſhop of Carlile; Cedda, Cœna alias Albert Athelwold, Thurſtan, William Wickwane Archbiſhops of Yorke, who all voluntarily, (moſt out of conſcience, ſome out of choller, others for their eaſe, ſome for their age, others for other cauſes, beſt knowen to themſelves) reſigned both theſe their Archbiſhops and Biſhoprikes, being ſo many domeſticke preſidents *to your Lordſhips (who have long ſince given over the maine part of your Epiſcopall function preaching,) now to doe the like,*

according to your joint and severall Promises, in case you cannot proove your Archiepiscopall *and* Episcopall Iurisdictions Iure divino, *and give a satisfactory Answer to these few papers, which I presume you can never doe; since not onely* Hieron, Ambrose, Chrysostom, Augustine, Sedulius, Remigius, Primasius, Theodoret, Haymo, Beda, Rabanus Maurus, Theophilact, Isidor Hispalensis, Alcuinus, Oecumenius, Gratian, the Councells of Carthage 4. Conc. 22. to 26. of Aquisgran c. 8. 10. 11. Iuo Carnotensis, Peter Lombard, Bruno and other ancient, *but even* Anselme Archbishop of Canterbury, Richard Archbishop of Ardmagh, all the Archbishops, Bishops and Cleargy of England in 37. H. 8. in their Institution of a Christen man chapter of Orders subscribed with all their names, Stokesly Bishop of London, Tonstall Bishop of Durham, Reginald Peacocke Bishop of Chichester, Bishop Hooper, Bishop Latimer, Bishop Iewel, Bishop Alley, but even Archbishop Whitgift himselfe and Bishop Bridges, to omit Wickliffe, Swinderby, Walter Brute, S. Iohn Oldcastle, Master Iohn Lambert, Master Iohn Bradford, and other our Martyrs, Master Thomas Beacon, Master Iohn Fox, Master Alexander Novell,

e Epist. 2. 83. 85. in Tit. 1. Phil. 1. & 1. Tim. 3. u In Eph. 4. & 1. Tim. 3. x Rom. 1. in Phil. Hom. 11. in 1. Tim. 3. Hom. 2. in Tit. 1. y Ep. 19. 83. 85. Quæst. ex utroq; imp. 100. 101. z In Phil. 1. 1. Tit. 1. 5. 7. 1. Tim. c. 3. & 4. Acts 15. & 20. 17. 28. a Ori. l. 7. c. 12. l. 8. c. 5. De Eccles. Offic. l. 2. c. 7.

b De divin. offic. l. 2. c. 35. 36. c In Acts. 15. & 20. 1. Tim 3. Phil. 1. 1. Tit. 1. 5. 7. d Distinct. 80. 93. Causa. 2. Qu. 7. e Decretal. pars 5. c. 58. 59. 72. 107. 143. 144. f Sent. l. 4. Distinct. 24. g In Phil. 1. Tit. 1. & 1. Tim. 3. h Amalarius Fortunatus de Eccles. offic. l. 2. c. 13. Basilius Magnus, in c. 3. Isaiæ. Nazianzen. Orat. 9. 13. 15. 21. 28.

Doctor

Doctor Whitaker, Doctor Humfry, Doctor Willet, Doctor Agray, Doctor Taylor, Doctor Ames, Doctor Raynolds, Doctor Fulke, and others in * their authorized writings printed here in England cum privilegio, and publike allowance, with the forecited statutes of our Realme, and all the Bishops Patents in the Raigne of King Edward the *6. in expresse termes*, conclude your Archiepiscopall, and Episcopall Iurisdiction to, over other Ministers, to be a meere humaine invention long after the Apostles time, to prevent, (*or rather as the event hath ever since prooved, to engender, foment, & occasion*) all schismes factions, errors and disorders in the Church; when as *k* Christ himselfe and *l* his Apostles since, ordained a Parity, an equality both among his Apostles and Ministers, and ever instituted many Bishops, elders over every particular Church, but never any one Bishop or Minister over many, as the best meanes to preserve unity and roote out sinnes, occasioned onely by the pride, ambitious couvetousnesse, power, and Tyranny of domineering Prelates. *Thus craving pardon for my boldnesse in pressing your Lordships, like two honest plaine dealing men, to make good your words, that so we may once againe become fellow-brethren, and walke hand in hand together like equals, without that infinite Lordly distance, which is now between us. I take my leave and rest*

Your Lordships faithfull Monitor

A. B. C.

* *Quoted by Gerso-nius Buce-rus, the Pe-tition to Queen E-lizabeth, Master Parker, & Doctor Bastweeks Bookes.*

k Matth. 20,20, to 29, Marc. 10, 35, to 48, Lu. 22, 23, to 28.

l 1. Pet. 5, 1, to 6, Acts. 14, 23, c. 20, 17, 28, Phil. 1, 1, Tit. 1, 5, 7. 1. Tim. 3, &c. c. 5, 17, c. 4, 14, Iam. 5, 14,

m See Bp. Iewels Defence of the Apologie. part. 2, c. 3, Divis. 5, an excellent place for this purpose.

A briefe Exhortation to the Archbishops and Bishops of England in respect of the present Pestilence.

MY LORDS, (for so you stile *a your selves*, and will be intiteled by all men, notwithstanding the *b Lords owne inhibition to the contrary*,) the *Prophet Isay. c. 26. 9.* hath informed me; *that when Gods Judgements are on the earth, the inhabitants of the world will learne righteousnes*: and who knowes, whither your Lordships, (as properly *inhabitants*, if not servants and louers to, *of the world*, as any of what ever profession, *though you c should not be so*) may not now in this time of Pestilence, when Gods Iudgements are everywhere so rife among us, *learne righteousnesse* as well as others, (if you thinke not your selves to wise to learne, to old to be instructed,) if any man will but take the paines to teach you. Hearken therefore, I beseech you, as you tender, either the preservation of your lives in this time of mortality, or the salvation of your soules in

a Bishop Whites Title to his Treatise of the Sabbath-day.

b Math. 23,8,9, 10,11,c. 20,25,26, Iam. 3, 1, 1,Pet. 5,3, c 1,Iohn.2, 15,16,17, Iohn. 17, 14,15,16, Math. 6. 24.2,Tim. 4,10.

in the great day of Iudgement; or the lives and soules of his Majesties Subjects, committed to your pastorall charge, to a short lecture, (no wayes overburthen some to your memories,) which I shall here read unto you for your good, if you please either so to interpret it, or come with a sincere conscience for to heare it. It may be that in regard of your sacred Episcopall Order, you conceit your selves altogether plague-free, and as wholly exempt from divine, as you now strive to be from temporall Iurisdiction; (which makes you neither to dread the plague, which hath seised upon * *sundry Kings and laid them in the dust*,) nor as yet any way to endeavour by fasting and prayer, to prevent either it, or that famine likely to accompanie it. But to instruct you, how you are still but men, (and so exposed to all those mortall sicknesses which continually assault the crazy fortresses of our [d] *earthly Tabernacles*, *Non obstante*, your Rochets, Miters, Crosiers, and all other your Episcopall harnesse,) give me leave in a word or two to acquaint you; *That* † *Pelagius the second* (though a Pope *and Bishop of Rome*) notwithstanding his Pontificall Robes, Exorcismes, Pompe and Charmes, *was both seised upon and devoured of this impartiall disease, Anno Dom. 591.* as *Platina*, *Onuphrius*, *Anastatius*, *Stella*, *Fasciculus Temporum*, *Balæus*, *Luitprandius*, *Vitelius*, and others testifie in his life: *which Plague* (as [e] *Petrus Blesensis Archideacon of Bath*, records,) *was sent by God as a just Judgement upon the Romans and Italians, for giving themselves to drinking, feasting, DAVNCING, sports and Pastimes, even on Easter day, and other following Holy-dayes, after their participation*

* *Theodosius the second an Emperour and sundry Kings, as Kinredus, Offa, (whom Platina in the life of Pope Constantinus records, to have both died of the Plague at Rome) with many other died of the Plague.*

[d] 2 Cor. 5. 1.

† Mathew Westminster. An. 591. p. 231.

[e] *Sermo 20. in Letania Majori.*

cipation of the blessed Sacrament of Christs body and blood, (many of them being consumed and dying of the plague in the very midst of their sports, mirth, ales and pastimes,) and on this Pope himselfe for not restraining them from this prophanes. A president which should make your Lordships feare and tremble, this present Plague beginning here on Easterweeke last, as that Plague then did; no doubt for the selfesame prophanation of Gods owne day and Sacraments, with those abuses, sports, sinnes, pastimes for which they then were plagued; which your Lordships, have not onely, not restrained, but countenanced, patronized, and propagated all you could, this Pope going not so farre, *Cantinus* Bishop *of Avernium*, *Cato* his Successor in the same See, *Rupertus* Bishop *of Triers*, *Hermannus* Bishop *of Verdunum*, *Rainold* Bishop *of Colen*, *Conrade* Bishop *of Augusta*, *Walricus* Bishop *of Spiers*, *Ruggerus* Bishop *of Herbipolis and Sigfridus* of the same, *Eberhardus* Bishop *of Ratisbon*, *Gerion* Bishop *of Halberstat*; *all died of the plague.* * *In the great Plague that happened in the Emperor Frederike* Barbarossa *his armie in Italy, many Germane Prelates and some German Princes which came with him died of the Pestilence;* neither their consecration, nor their function being any antidote against this disease. In the great *f Councell of Basil. Anno* 1431. (to name no more forraigne examples) *Lodovicus Patriarke of Aquileia*, *the* Bishops *of Ebron, Lubecke, Constance, and others, died of the Plague; Æneas Silvius himselfe* (*afterwards Pope*) *being there stricken with this disease, whereof hee lay three dayes together at the point of death, all men despairing of his life, but yet by Gods helpe escaped.* If any of your Lordships should

* *Cent. Magd. 6. Col. 7, 31, Ibid. 137, Cent. 10. Col. 575. Cent. 12. Col. 1454. Ibid 1466. Ibid 1488. Ibid 1489. Cent. 12, 1492. and 1493. Col. 1512. Col. 1533.*

* *Grimstons Imperiall History. p. 490.*

f Fox Acts and Monuments. p. 632.

should thinke these forraigne Presidents proove not, that any English Prelates are obnoxious to the selfe-same disease; to rectify this mistake, I shall present you with some domesticke examples, worthy your most serious consideration. g *Ann. Dom. 664. on the 26. day of October. Ceadda the second Bishop of London, with all the Monkes of his new erected Monasterie at Lestinghen, were taken away with the Plague.* The very next yeare following h *Anno 665. Tuda the fourth Bishop of Durham died of the Testilence.* i *Anno 1258. Fulco Basset the 45. Bishop of London, was smitten to death with the same fatall disease.* k *Michael Northbrooke his Successor the 57. Bishop of London Anno 1361. perished of the Plague; and the same yeare, Reginald Brian Bishop of S. Davids, being translated to Ely, deceased of the Plague before his translation could be perfected.* And to cite no * *more* in so plaine a case. l *Anno 1500. Thomas Langhton Bishop of Winchester, then Archbishop of Canterbury elect but not enstalled, and Thomas Rotheram Archbishop of Yorke, were both in the selfe same yeare swept away together with this pestilentiall disease.* These severall Presidents, to omit all others, may be a good Memento and Monition to your Lordships (being Bishops and Archbishops) to put you in minde, both of your mortality in generall (which most feare you seldome seriously consider off, being so over-much taken up with * *Secular imploy-*

g Godwins Catalogue of English Bishops p. 183.
h Godwin. Ibid. p. 629.
i Godwin. Ibid. p. 195.
k Godwin. Ibid. p. 198. 444. * See Grafton. p. 123.
l Godwin. Ibid. p. 164. 244. 617. Antiquit. Eccles. Brit. p. 345.
* Nemo potest duobus Dominis servire, Deo & Mammonæ. Si te curiæ, & maximè scaccarij labyrinthis immerseris, magna spiritualis exercitij dispendia patieris. Quid tibi ad Fiscales redditus, ut, vel horulâ brevi curam posthabeas animarum? Numquid christus te ad Telonium elegit? Matthæus semel inde sumptus, denuò ad ipsum non rediit. Non sis ergo in turba eorum qui secularia spiritualibus anteponunt, glutientes Cælum, culicem liquantes, &c. Petrus Blesensis De Instit. Episc. Tractatus.

ments, not compatible with your spirituall functions,) & that you though Bishops are subject to this disease, this stroke of God as well as others, as these your Predecessors: & therfore should now at length, after so many weekes delay, endeavour to appease Gods wrath and cease this plague begun among us, (which every day spreads it selfe more and more) by publike fasting, prayer, preaching and humiliation *the remedy*, not onely [m] *prescribed in Scripture by God himselfe*, but likewise *by the whole Church and State of England in the two last great plagues both in 1. Iacobi, and in the first yeare of our present Soveraignes raigne, as the severall Bookes of common prayer and order of fasting, then publish'ed by these noble Princes speciall commaund*, yet testifie on record: *both of these bookes joyntly confessing and bewayling, that among other sinnes occasioning these two dreadfull man-eating Pests*, this was not the least; *That the* † *SABBATH DAY, was not kept holy, but prophaned; and therfore no wonder that these plagues breake in upon us.* And may not your Lordships and the whole Kingdome justly feare, that this very Sinne of *Sabbath-breaking*, and prophaning Gods owne sacred day by sports, WAKES, MAYGAMES, DAVNCING, drunkennesse, chambering, wantonnesse, idlenesse, travelling, unnecessary labor and the like, *which drew on these two former plagues upon us*, hath been one maine cause of this present Pest, which beginnes thus freshly to destroy us? It being most apparant to our shame, (and I feare to all our smart) that the Lords-day Sabbath, (*for so our owne* ‡ *Homilies ten times stiled it before the Troubles of Frankfort, Anno 1574. When*

[m] Num. 6. 25. 6. Ioel. 1.14. 15. 16. c. 2. 12. 13. 14. Isay 22. 12. 13. 14. Zeph. 2. 1. 2.

† *So the Booke of 1. Iacobi. stiles it.*

‡ *Of the time and place of prayer, and against disobedience and willfull Rebellion part. 3.*

* Doctor

* *Doctor Pocklington, or Doctor Boundes* Booke *Anno 1595. when q Doctor Heylyn fables; that the Lords day was first anabaptized a Sabbath day and Christned with this name by some Jewish God father, to overthrowe the Liturgie and discipline of the Church of England*, who yet gave it this Title long before these ignorant Doctors dreame, both in *her Homilies* and approoved writers workes,) hath of late beene more generally, publikely, audaciously prophaned in most places of the Realme by the fore named Pastimes, abuses and disorders, then before those two sweeping plagues, not onely in point of practise, which is ill; but even in point of Doctrine, which is worse; many late *authorized* † *Histories, Treatises and Discourses of the Sabbath*; not fearing publikely *to maintaine the Lawfullnesse of dauncing, morrises, maygames, dedication Feastes, pastimes, sports and ordinary labor even in Gods owne day, as the Doctrine of the Church of England*; when as acute *Master Iohn Sprint, in his proposition for the Christian Sabbath day, printed by license London*, 1607. *p.* 4. (newly reprinted) and learned *Doctor John White in his* ‡ *way to the true Church, 5. times printed by Aathority* (yea sett forth and defended by *Doctor Francis White now Bishop of Ely,*) expresly brand it, *not onely as a Popish and Heathenish practise; but likewise as a point of Popish religion, which directly tends to the maintenance of open sinne and liberty of life, and expresly allowes most palpable wickednesse, directly tending to the desolation of publike governement and private honesty; being that which hath made the Papists the most notorious Sabbath-breakers that live,* * *Zanchius, and* † *Musculus also branding this very Doctrine of liberty they now teach*

* *Sunday no Sabbath p.* 6. 20. 21.

q *Hist. of the Sabbath part.* 2. *c.* 8.

† *Bishop White, Doctor Heylyn, Doctor Pocklington, Doctor Primrose, Christopher Dow, Edmund Reeve and others.*

‡ *Sect.* 38. *n.* 1. *p.* 111. *Digres.* 46. *Sect.* 43. *n.* 6. *p.* 165. 166.

* *In quartum Præceptum.*

† *In Ioan. c.* 7.

and the practise of it, as Topish and all the Bishops, Clergy, King, Lords, Commons, and Parliament of England in King Henry the 8. his raigne, condemning it in * *two severall bookes, as meerly Iewish,* to checke the dotage of those *Novell Doctors* who *the strict sanctification of the Lords day by abstinence from dauncing, sports, and pastimes, Iudaizing;* when as that they plead for, is truly such. This grosse prophanation therefore of the Lords day both in Doctrine and practise, ɣ *aggravated with the late suspending, silencing, excōmunicating, pursevaning, vexing, persecuting, depriving, crousshing of many learned, painfull, godly conscionable Ministers, both against all the Rules of Canon Law, Common Law, Statute Law, conscience, reason, piety, charity justice,* and the Presidents of all former ages, meerly for refusing out of conscience upon their Episcopall Mandates, to have any hand or finger in acting, in proclaiming any thing which might animate their people to this pestiferous sinne, (punished within these three yeares with many memorable † particular judgements of God, immediately executed from heaven;) hath no doubt so farre provoked our most gracious God, that now he can hold ʒ *off his hands no longer from smiting us,* with his dreadfull Iudgements, which some of us have allready felt, and most of us now feare: who questionlesse will never take off his Pests and Iudgements from us, till your Lordships shall take off your most unjust Suspensions and censures from those who have thus suffered in his quarrell, and all of us repented of this our crying sinne of prophaning Gods owne sacred day, both in point of Doctrine and practise: An abhomination

Iehan.

* *Institution of a Christian man, and a Necessary Erudition &c. Exposition on the fourth Commandement.*

ɣ 2. Chron. 36.15. 16. 17. 1. Thes. 2. 14, 15, 16.

† *See A Divine Tragedy lately acted*

ʒ Ier. 20.9.

nation never more rife in any then this our preſent age, by reaſon of your Lordſhips patronizing propagating and defending of it, in ſuch a publike, ſhameles, violent maner, as no former age can ever paralell, to Gods diſhonor, your owne eternall infamie, and the fitting of your ſelves, and this whole Kingdome for thoſe publike judgements, (not onely of a late extraordinary cold winter, and two ſucceſſive drie ſummers, which threaten a famine of bread to recompence that a *Famine of Gods word* that you have lately a *Amos.* 8. 11. cauſed, to omitt all other miſeries which we ſuffer,) but likewiſe of that plague which is now diſperſed: In the pulling downe whereof, as your Lordſhips have had, nod oubt, a deeper hand then others, ſo you have great cauſe to feare, you ſhall feele the irreſiſtable mortiferous ſtroke thereof, as much, or more then others. The Plague, you well know, *is Gods owne Arrow Pſal. 91. 5. who ordaineth his arrowes againſt the Perſecutors. Pſal. 7. 13.* And are not ſome at leaſt of your Lordſhips ſuch. *It is Gods owne hand, 2. Sam. 24. 14. 15. Ier. 21. 6. Now Gods hand ſhall finde out all his Enemies, his right hand ſhall finde out thoſe that hate him, Pſal. 21. 8.* And are not many of your Lordſhips in that number? It is, *Gods owne brandiſhed ſword. Pſal. 8. 6.* And whom doth God *wound and ſlay therewith but the* † *head of his Enemies, and the hayry ſcalpe of thoſe who goe on ſtill in their treſpaſſes?* And are not to many of your Lordſhips ſuch; who even now in the very midſt of Gods Iudgements; proceed on ſtill in your malicious, violent, implacable hatred, enemities and perſecutions againſt Gods faithfull Miniſters, Saints, and the very

† *Pſ.* 68. 21. *Deut.* 32. 41.

power of holineſſe; in your Lordly Pompe, ambition, avarice, pride, envy, arrogance, cruelty, oppreſſion, injuſtice, luxury, ſecularity, ſuppreſſion of preaching, prayer, faſting, Communion of Saints, and what ever ſavours of piety; and in profaning of Gods owne ſacred day, both in your doctrine & practiſe; which is ſeldome worſe ſolemnized, or more prophaned as ‡ *Maſter* Bucer long ſince obſerved, *Quam in ipſis Epiſcoporum aulis, then in Biſhops owne Pallaces*, where neither Lord, nor Chaplaine, nor ſervant, make any great conſcience of prophaning it ſundrie wayes, to give the better example of piety and holineſſe unto others. How then (being heavy laden with theſe many ſinnes, and having the prayers, the cries, the clamours, the teares, the ſighes and groanes of all Gods people againſt you, if not of the whole Kingdome to, the dayly imprecations of many diſtreſſed Miniſters, people, whom you have moſt injuriouſly and inhumanely handled without any lawfull cauſe,) can you but feare Gods vengeance and expect his plagues, to ſweepe ſuch Clods of ſinne and miſchiefe, ſuch Peſts and Prodigies as you are, cleane away? d *Be wiſe now therefore O yee Kings*, (for ſuch are you now become by giving abſolute Lawes, and preſcribing what Ceremonies, Articles, Rites, Oathes and Novelties you pleaſe, even in your owne names and rights alone, unto his Maieſties people, and executing all Lordly, Kingly Soveraignity and Dominion *over* * *mens bodies, and eſtates as well as ſoules, contrary to your Saviours expreſſe Inhibition. Math.* 20.25.26.) *be learned O yee Iudges of the earth*: (for ſuch are you now in many temporall Courts,

‡ *In Pſ.* 92. d *Pſ* 2. 9. 10, 11, 12.

* *Animabus Prelatus es, non corporibus. nihil Prelato commune eſt cum Pilato. Petrus Bleſenſis. Tract. de Inſtitut. Epiſcopi, Ioanni Wigorenſi Epiſcopo dicatus.*

Courts, and would be gladly such in more, in steed of being preaching Bishops in our Pulpits and Pastors of mens soules: *Serve the Lord in feare* (for that is in truth your duty, not to be Lords your selves, or reverenced and served with feare as Lords are wont to be:) and *rejoyce unto him* (not with Organes, Choristers, Pipes, and Daunces, but) *with trembling kisse the sonne* (whom you have hitherto buffeted † *persecuted in his faithfull Ministers and Servants*) *least he be angry, and ye perish in the way, even now when his wrath is kinded but a litle,* and his plagues but newly kinded; least if ye refuse to turne from all your former sinnes and wickednesses, hee begin at *last to bruise you with this his rod of Iron, and dash you in peeces like a Potters vessell, and there be* * *none to deliver you from this his raging fury.* Remember I beseech you that of the Prophet Nahum g *God is jealous, and the Lord revengeth, the Lord revengeth, and is furious; the Lord will take vengeance on his adversaries, and he reserveth wrath for his enemies.* And though he hath a long time h *suffred you with much patience* (*as he doth other vessels of wrath fitted to destruction,*) to spoyle, oppresse and deale treacherously with his people; yet consider now, that the times are drawing neare wherein you may be recompenced with the like usage; as the *Prophet Isai* threatens. † *Wo to thee that spoylest and thou that wast not spoyled, and dealest treacherously and they dealt not treacherously with thee: When thou shalt cease to spoyle, thou shalt be spoyled, and when thou shalt make an end to deale treacherously, they shall deale treacherously with thee.* Wherefore my Lords k *breake of your sinnes* and sinnfull proceedings by sincere and timely

† *Acts* 9.4. 5.

* *Psal.* 7.11.

g *Nahum.* 1.2.

h *Rom.* 9. 22.

† *Isay.* 33. 1. *Væ tibi qui præsidem, homini-bus, nisi eis præsideat Deus. Petrus Blesensis. de Instit. Episcopi Tractat.*

k *Dan.* 4.27.

timely *repentance*, and of Lyons, Beares, † *Wolves*, Thieves, and Robbers, (which many Bishops have degenerated into) become * *Lambes and Shepheards to Gods people*; and now at last, m *as the Elect of God, holy and beloved, put on bowels of mercies, kindnesse, humblenesse of minde, meekenesse, long suffering, forbearing and forgiving all those against whom you have any quarrell, even as Christ forgave you so also doe ye.* And above all things, *put on Charity, which is the bond of perfectnesse, and lett the peace of God rule in your hearts, to which you are also called in one body; and let the word of God dwell richly in you, in all wisedome &c.* And if you will divert this Pest either from your selves or others; then presently † *beginne to turne to the Lord with all your hearts, with fasting, weeping, and with mourning, sanctify a fast call a solemne assembly gather the Elders, &c.* (and not by proxy but in proper person, if ever you will either be reputed the Preists or Ministers of the Lord,) *Weepe betweene Porch and the Altar, and say Spare thy people O Lord &c. give not thine heritage to reproach. Alas for the day of the Lord is at hand, and as a destruction from the Almighty shall it come, and who shall escape it?* And that your fast may be acceptable, beware that it be not * *a fast for strife and debate, to smite with the fist of wickednesse, or to make your voyce to be heard on high, beware least it be only a hanging downe of your heads, like a bulrish and afflicting of your soules onely for a day. But let it be that true fast, which God hath chosen, to loose the bands of wickednesse, to let the oppressed goe free, to undoe the heavy burthens* (which you have lately layd on Ministers and people) *and to breake of every yoake,* (wherewith you like

Lordly

‡ *Acts* 20. 29. *Frequens est inter Episcopos aliquem invenire, qui primum suæ promotionis annum dedicet sanctitati; cumque in sua novitate sit factus agnus, inveteratus aliquot dierum, fit rapacissimus Lupus. Petrus Blesensis De Instit. Episcop. Tractatus.*

* *Isay.* 11. 6. 7.

m *Col.* 3. 12. 13. 14. 15.

‡ *Ioel.* 2. 12. 13. 14. 15. 14. 15. 16.

* *Isay.* 58. 4. *to* 14.

Lordly † *Barons have* clogged the Consciences (yea and bodies) of Gods servants, and brought them into a miserable bondage and captivity under you, as if they were your vassals, not Brethren:) *to breake your bread to the hungry, to bring the poore that are cast out,* (yea the poore Ministers and Christians you have most unchristianly cast out of their livings, houses and Gods house it selfe, throwne into your nasty prisons, where they must still be detained, when others are set free) *to your houses*, (yea to their owne houses, livings and Gods house againe,) *to cloath the naked, to draw out your soule to the hungry, to satisfie the afflicted soule; to turne away your feet from the Sabbath from doing your pleasure on Gods holy day; to call the Sabbath a delight, the holy of the Lord honourable, to honor God alone therein, not doing your owne wayes, not finding your owne pleasure, nor speaking your owne words.* If thus you now fast and doe, *peradventure you may be spared in this day of the Lords great wrath, and God will make our health to spring forth speedily.* But if you forbeare to doe it, and proceed on as you have done, be sure *p that God will visit you for these things, and that his soule shall be avenged on such a Nation as you are.* He will no doubt *q bring evill upon you, and you shall not be able to escape, in this yeare both of yours and his visitation*: in which as you have most strangly visited others, thrusting many of Gods best and painefullest Ministers from their Ministery in sundry places, upon meere new fancies and Articles of your owne, against Law and justice; so God the supreame Visitor, will in his justice visit you, in one

† *Quidam Episcopi Regum munificentias & eleemosinas antiquorum, abusive Baronias & Regalia vocant Et in occasionem turpissimæ servitutis & seipsos Barones appellat, vereor ne de illis queruletur Dominus, & dicet. Ipsi regnaverunt & non ex me. Principes exstiterunt & ego non cognovi. Scias te assumpsisse Pastoris officium non Baronis. Certe Ioseph in Ægypto Patrem suum & fratres instruxit, ut dicerent Pharaoni, viri Pastores sunus: Maluit eos profiteri Pastoris officium, quam Principis aut Episcopi.*

Baronis. p *Ier.5.9.* q *Ier.11.11,23. Petrus Blesensis Tractat. De Instit.*

kinde or other, with his moſt righteous judgments, & cut you off with his plagues, as he hath done your forecited predeceſſors. This you have cauſe to feare, and ſeriouſly to expect, unleſſe you forthwith become New-Creatures: Loe I have in few words admoniſhed you; If you amend, there may be hope of mercy, if you continue, what ye are, contemne all admonitions,

† Iſay. 41. 11. 12. † *ſtriving ſtill as you have done, againſt God, his truth and people, you ſhall be aſhamed, confounded and periſh, you ſhall become as nothing and as a thing of nought. For* ſ Numb. 23. 19. *God hath ſpoken it and he* ſ *will make it good.* t Pſal. 37. 10. 38. *The tranſgreſſors ſhall be deſtroyed together, the end of the wicked ſhall be cut off. For yet a little while, and the wicked ſhall not be, thou ſhalt diligently conſider their place, and it ſhall not be found.* u 2. Tim. 2. 7. *Conſider what I have written, and the Lord give you underſtanding in all things.*

Farewell.

Whe-

Whether Timothy were ever a Diocæsan Bishop, or first, or sole Bishop of Ephesus?

QVESTION. I.

IF the multitude, or common received opinion might take place, or our Prelates be the Iudges of this Controversy, they would presently conclude affirmatively without dispute; that Timothy was a Diocæsan Bishop; yea, the first and sole Bishop of the Ephesians. But if the Scripture, or verity may be umpire, it will evidently appeare, first, that Timothy was no Bishop (I meane no such Bishop as *Iure divino* or *humano*, is different from an ordinary Presbyter in dignity and degree) much lesse Bishop, or first or sole Bishop of Ephesus, as is generally conceived; which I shall clearly evidence by these ensuing Scriptures and reasons.

That Timothy was no Bishop in this sence, is apparant.

1. *First*, because *S. Paul* and *Luke*, who were best acquainted with him, and make frequent mention of him, never stile him a Bishop, neither is hee termed a Bishop in any text of Scripture. *S. Paul* in his Epistles to him, cals him, *his owne* *That Timothy was no Bishop.*

Sonne in the faith: 1. Tim. 1. 2. *A good* MINISTER (not a Bishop) *of Jesus Christ*. 1. Tim. 4. 6. *His dearly beloved Sonne*. 2. Tim. 1. 2. *A good Soldier of Jesus Christ*. 2. Tim. 2. 3. *A workeman that needeth not to be ashamed, rightly dividing the word of God*, 2. Tim. 2. 15. In his other Epistles, hee tearmes him, *Our Brother Timothy*, Col. 1. 1. 1. Thes. 1. 1. 1. Thes. 3. 2. 6. Phil. 2. 19. Hebr. 13. 23. *His fellow-workeman*. Rom. 16. 21. *His Brother and beloved Sonne*. 1. Cor. 4. 17. 2. Cor. 1. 19. Col. 1. 1. *A workeman of the Lord*, 1. Cor. 16, 10. *A servant of Jesus Christ*, Phil. 1, 1. but never a Bishop. S. *Luke* termes him *Paules Companion*, *Minister*, *attendant*, *and fellow-worker onely*, Acts 16, 1, 2, 3, c. 17, 14, 15, c. 18, 5, c. 19, 22, c. 20, 4. never so much as intimating him to be a Bishop. The Scripture therefore never phrasing him a Bishop, nor giving him that Title, among all his other Epithites; is an infallible argument, that he was in truth no Bishop, but rather *an Euangelist*, as hee is expresly stiled, 2. Tim. 4, 5. *Doe the worke of an Euangelist*.

2. *Secondly*, Becaus he was S. Paules Associate, Copartner, Brother and fellow-helper in his Apostolicall function, whence he often stiles him, *his Brother*, *his fellow-worker*; *and conjoynes him with him in the Prologue*; *the inscription of most of his Epistles*, *which are written in both their names*, witnes. 2. Cor. 1, 1, c. 4, 17. 2. Cor. 1, 1, 19. Col. 1, 1, 1. Thes. 1, 1, c. 3, 2. 2. Thes. 1, 1. Phil. 1, 1, c. 2, 19. Rom. 16, 21. Heb. 13, 23. Timothy therefore being a Copartner with S. Paul in his Apostle-ship, or Apostolicall function, superior in degree to the Episcopall office, (as is apparant by *Ephes. 4. 11. 1. Cor. 12. 18.* and the generall consent of all men,) it is not probable that hee would devest himselfe of his Apostolicall Iurisdiction, to become an inferior Bishop, or relinquish a Superior to take up an inferior degree. Who ever saw of late any Archbishop or Bishop to denude himselfe of his Archiepiscopall or Episcopall preeminency, to be made a poore Country Vicar or Curate? And can we then conjecture, that Timothy would relinquish his Apostle-

Apostleship for an Ephesian Bishop-pricke; or else, hold it by way of *Commendam* with his Apostleship? (*Commendams* being not of such antiquity, and a meere late Popish innovation) or descend from an *a Evangelist-ship* to a Bishop-ricke?

a *See Gerso-nius Bucerus De Guber-natione Eccle-siæ: p. 512. 513. usque 518.*

3. *Thirdly*, because Timothy was ever either accompanying S. Paul in his Travels or bonds, as his fellow-helper, minister, and assistant; or else, sent by him from one Church to another, as his Messenger, Delegate, or Colleg̃, to establish comfort, and instruct them; being never long resident in any one fixed place, or Church, as all Bishops were. *b* We read Acts 16, 1, usque 12. *That Timothy came first of all to Paul when hee was at Derbe and Listra; Paul then taking him to goe forth with him; and that they went both together through the Churches of Phrygia, Galatia, Asia, Mysia, and at last came to Philippy where hee abode with Paul; and from thence wrote the first Epistle of Paul to the Corinthians*, as the * *Postscript* manifests. In which Epistle hee writes thus unto them: 1, Cor. 16, 10. *Now if Timotheus come, see that hee may be with you without feare; for he worketh the worke of the Lord as I also doe.* And c. 4, 17. *For this cause have I sent unto you Timotheus, who is my beloved Sonne and faithfull in the Lord, who shall bring you into remembrance of my wayes which be in Christ, as I teach everywhere in every Church.* By which it is apparant, that Timothy was sent by Paul from Philippi to Corinth (after this Epistle) to instruct them; Where he continuing a while, repaired againe to Paul to Philippi; and there *joynes with Paul in the second Epistle to the Corinthians, written in both their names*; 2. Cor. 1. 1. informing them in the 19. verse: *That the Sonne of God Jesus Christ, who was preached among them by us, even by me, Sylvanus and Timotheus, was not yea and nay, but in him was yea.* By which it is evident, that Timothy had before this second Epistle written, preached Iesus Christ among the Corinthians by Pauls appointment. After which, *Paul removing from Philippy, Timothy accompanied him to Thessalonica and Berea, where hee abode, till Paul came to*

b *See Cent. Magd l. 2. c. 10. Col. 625. 626.*

* *If Postscripts be of Credit as the Bishops make them.*

Athens; from whence hee sent a commaund to Timothy to Berea, to come to him with all speed to Athens, where hee stayed for him: Acts. 17, 13, 14, 15, 16. Which he did accordingly: *joyning with Paul in the first and second Epistle to the Thessalonians, written from Athens, in both their names.* 1. Thess. 1. 1. 2. Thes. 1. 1. yea whiles Paul stayed at Athens, *hee sent Timothy from thence to the Thessalonians, to establish and comfort them concerning their faith; that they should not be mooved by their afflictions, where he continuing for a space, came from them againe to Paul to Athens, bringing him good tidings of their faith and charity:* 1. Thes. 3, 1. to 7. After this, *hee remooveth with Paul to Corinth, from thence being sent into Macedonia hee came againe to Paul unto Corinth.* Acts. 18, 5, from whence Paul writing his *Epistle to the Romans, remembers the salutation of Timotheus his Worke-fellow to the Romans, among others:* Rom. 16, 11. After this Paul re-mooving to † *Ephesus, sent Timotheus & Erastus (two of them who there ministred unto him) into Macedonia; himselfe staying in Asia for a season,* Acts. 19, 20. From whence *Paul afterwards passed into Macedonia & Grece, & then returning into Asia, Timotheus & others accompanied him; and going before taried for him at Troas,* Acts 20, 4, 5. *Whether Paul sent for the Elders and Bishops of the Church of Ephesus, giving them a strict and severe charge, to take heed to themselves, and to all the flocke over which the holy Ghost had made them Bishops, to feed the Church of God which he had purchased with his owne blood: v. 17. 28. &c.* A taske fitter for Timothy to enjoyne them, had he beene their Diocæsan, then Paul; and a charge more meet for Timothy to receive, then they; had he then beene Bishop of the See of Ephesus: who being so neare Ephesus, should have accompanied these Elders of his Church to Ephesus, when Paul dismissed them, rather then have left his flocke at randome after so strict a charge to feed them. But yet though the Elders went backe to their Cures from Miletus, Timothy did not so, *for from thence hee accompanied Paul to Jerusalem,* Acts. 21, 15, 16, 17. and from thence to Rome. *For the Epistle to the Colossians written from Rome, is penned*

† *If Timothus were then Bishop of Ephesus, why did Paul thus send him from his Cure, and Bishops See?*

penned in both their names, Col. 1, 1. and the *Epistle to the Hebrewes*, as the Postscript testifieth, *was written to the Hebrewes from Italy, by Timothy; where Timothy was for a while imprisoned, and then set at liberty*, Heb. 13. 23. After which Paul writes his *Epistle to the Philippians from Rome, where hee was in bondes*; at which time *Timothy was present with him joyning in this Epistle*: Philip. 1. 1. informing the Philippians, *that hee trusted to send Timotheus shortly unto them, that hee also might be of good comfort, when he should know their estate*, Philip. 2, 19. whether Timothy being sent by him, as is most probable, Paul wrote his *second Epistle to him, at his second appearing before Nero, charging him to doe his diligence to come shortly to him before winter*, 2. Tim. 4, 9, 21. he being then not at Ephesus, *but at Troas or Philippi*; as is apparant by 2. Tim. 4, 12, 13. and Philip. 2, 19. Timothy therefore thus ever accompanying Paul in his Travels and Bondes, and traveling from one Church to another by his appointment and mission, never keeping any fixed residence in any one place, much lesse at Ephesus, could not be Bishop or Presbyter of any particular Church; the Apostles instituting no non-resident Bishops or Elders, but such onely *as were to reside with those flockes, over which the Holy Ghost had made them Bishops, or Overseers, to watch over and feed them with the bread of life, and to goe in and out before them both in life and doctrine*. 14, Acts. 23, c. 20, 28, 29, c. 21, 17, 18. 1. Pet. 5, 1, 2, 3. Col. 4, 17. Rom. 12, 6, 7, 8. 1, Tim. 5, 17. 2, Tim. 4. 3. Tit. 1, 5, 6, 7, 8. Iohn. 10, 3, 4, 5, 14, 16, 27, 28. Ezeck. 34, 2. to 25. Ier. 23, 3, 4. c. 3, 15. Isay. 56, 10, 11, c. 40, 11. Zech. 11, 17.

4. *Fourthly*, Because Paul, who best knew Timothies condition, expresly termes him, *A Minister of God* (not a Bishop) 1. Thes. 3, 2. informing him, *that if he did put the Brethren in minde of these things he enjoynes him, he should shew himselfe a good Minister* (not a Bishop) *of Iesus Christ*, 1, Tim. 4, 6. Therefore certainly he was no Bishop, but a Minister, when this Epistle was written to him, unlesse it be granted, *that every Minister*,

Minister is a Bishop, as S. Paul doth phrase them. Acts. 20, 28. Tit. 1, 5, 7. Which the Opposites dare not grant, though an undoubted truth: Phil. 1, 1. 1, Tim. 3, 1, 2, 3.

5. Because when Paul wrote his first Epistle to Timothy, *hee was then very young in yeares,* 1. Tim. 4, 12. and but * *newly entred into the Ministery*: whence hee charged him, to *give attendance to reading, to exhortation, to doctrine, to meditate upon these things, and to give himselfe wholy to them; that his profiting might appeare unto all men.* 1. Tim. 4, 13, 15. Instructing him in that Epistle, how and what to preach, and how to demeane himselfe in his Ministry, into which hee was then but fresh ly entred, as most Expositors on this Epistle accord; and the 1. Tim. 1, 3. compared with Acts. 16, 1, 2, 3, 4, 9, 10. c. 18, 19, 20, 21. c. 20. 1. to 13. clearly demonstrate. Timothy therefore being but young in yeares, and newly entred into the Ministry, when this first Epistle was written to him, was questionles not instituted sole Bishop of Ephesus, by Paul; who in his very Epistle to him 1. Tim. 3, 6. among other qualifications of a Bishop enumerates this, *That he must not be a Novice* (as Timothy then was) *least being lifted up with pride, he should fall into the condemnation of the Devill*: and so should have contradicted his owne instructions to Timothy, *that a Bishop must be no Novice,* in creating him a Bishop; (which questionles he would not doe) being but then a Novice.

* *See* 1. *Tim.* 3. 14. 15.

6. Because Paul in the 1. Tim. 5, 1. chargeth Timothy, *Not to rebuke an Elder, but to intreat him as a Father.* If Timothy then were not to reproove them as a Father over them, *but to intreat Elders, as his Fathers,* he was certainly no Lord Bishop or Superintendent over Elders, but they rather Superiours unto him, being to entreat them onely as spirituall Fathers; whereas Lord Bishops and their Chauncellours too, in our dayes, esteeme the very best and gravest Ministers under them, not as Fathers, but as underlings, vicars, and Curates to them; not entreating

treating them as Fathers, but rating, reviling, and domineering over them as if they were their Curs and vaſalls, and they their Lords and Maiſters.

7. Becauſe Timothy *was to account thoſe Elders that ruled well, eſpecially thoſe who laboured in the word and Doctrine, worthy of double honor.* 1, Tim. 5, 17. Hee therefore being to render double honor to thoſe Elders that ruled well and laboured in the word and doctrine; and not to receive double honor from them; could be no Biſhop, Father, or Lord paramount over them. Mal. 1, 6. Math. 15, 4. Rom. 13, 7. 1, Tim. 6, 1. Honor ever coming for the moſt part, from the inferior to the ſuperior.

8. Becauſe Paul exhorts Timothy, *not to neglect the gift that was in him, which was given him by prophecy with the laying on of the hands of the Preſbytery*, 1, Tim. 4, 14. Now that gift which was given him by the laying on of the hands of the Preſbytery, was not his Epiſcopall function, (unleſſe the oppoſites grant, that he was conſecrated Biſhop of Epheſus by the Preſbyters of Epheſus:) but his Miniſteriall onely: being therefore exhorted to exerciſe his Miniſteriall function onely, *and to ſhew himſelfe a good Miniſter of Ieſus Chriſt*, 1, Tim. 4, 6, 14, not to exerciſe any Epiſcopall authority; he was queſtionleſſe then no Biſhop, but a Miniſter when this Epiſtle was compiled.

9. Becauſe though Timothy, in the Poſtſcript of the ſecond Epiſtle to him, be falſely ſtiled, *the firſt Biſhop of the Epheſians*, as I ſhall hereafter manifeſt, yet in the body and Poſtſcript of the firſt Epiſtle, hee is named Timothy onely, without any mention of his Epheſian Biſhopricke; hee was therefore no Biſhop either of Epheſus or any other place, when Paul ſent his firſt Epiſtle to him; for otherwiſe hee would have beene ſtiled, the firſt Biſhop of Epheſus in the Poſtſcript of the firſt Epiſtle, as well as of the ſecond, as is probable.

10. It would not ſtand with the Pompe and State of Biſhop, (eſpecially in our dayes) *to be commaunded and poſted up and downe, from place to place, in ſuch maner as Timothy was by Paul*, 1, Cor. 4, 7. Acts. 17, 14. 15. 1, Theſſ. 1, 3, 1, to 7. Acts. 19, 22, Phil. 3, 19. 2, Tim. 4, 9, 21, muchleſſe, *to Miniſter, to Paul, as Timothy did*, Acts. 19, 22, but leaſt of all, to *carry Paules Cloake, his Bookes, and Parchments after him, which Timothy is enjoyned to bring from Troas to Rome*, 2, Tim. 4, 13. An office which our proud Prelates would ſcorne to execute, though Paul himſelfe ſhould commaund them, as being incompatible with their Epiſcopall dignity: Timothy therefore being ſo much at Pauls beck, *as to be his Meſſenger, his Miniſter, his cloake carrier, and booke-bearer* (even when ſome ſay hee was the great Monarchicall Prelate of all Epheſus and Aſia) was certainly no Biſhop, at leaſtwiſe no ſuch Lordly Biſhop as thoſe of this age are.

That Timothy was not Biſhop of Epheſus.

2. *Secondly*, As all theſe ſeverall reaſons evidence Timothy to be no Biſhop, ſo in the next place, I ſhall manifeſt him to be no Biſhop at all of Epheſus, at leaſtwiſe not the firſt, or ſole Diocæſan Biſhop of that Citty, and ſo by conſequence, no Biſhop at all, if not of Epheſus; ſince no other Biſhopricke is aſſigned to him. The infallible verity whereof I ſhall thus demonſtrate.

1. *Firſt*, there is not one ſyllable in Scripture (wherein the Titles and actions of Timothy are frequently mentioned) which either directly, or by way of neceſſary conſequence, imply Timothy, to be either a Biſhop, or Biſhop of Epheſus; which Paul in his Epiſtles to Epheſus, and Timothy, and S. Luke in the Acts, would never have pretermitted, had Timothy beene a Biſhop of that famous Citty.

2. The Scripture makes no mention of Timothies being at Epheſus, or of his preaching there, ſave onely *that Paul beſought* (not commanded or ordered) *him to abide ſtill ~~to~~ Epheſus, whiles*

whiles hee went into Macedonia, that he might charge some that they teach no other Doctrine; neither give heed to fables, and endlesse genealogies, which Minister questions rather then edefying, 1, Tim. 1, 3, 4, *and to give attendance to reading, to exhortation, to doctrine, till hee came thither himselfe, which was but a short time after,* 1, Tim. 4, 13, 14, 15. Paul therefore not instituting Timothy any Diocæsan Bishop of Ephesus, but onely *beseeching* (which was voluntary not commanding) him, *to abide there* (* *till his owne returne from Macedonia,*) *both to instruct the people, and to further himselfe in his owne Studies*; not to reside there during life; it is an unanswerable argument, that he did not constitute him Bishop of Ephesus, and some vainely hence inferre: See 1, Tim. 3, 14, 15.

* 1. Tim. 3. 14. c. 4. 13. *Gerſonius, Bucerus, De Gubernatione Eccleſiæ. p.* 502. *uſque* 507.

3. When Timothy was thus desired to abide at Ephesus by Paul, *hee was* ‡ *but newly entred into the Ministery*, as appeares by the 1, Tim. 1, 3, c. 3, 15, compared with Acts. 16, 1, 3, 9, 10, 11, 12, and by the 1, Tim. 4 6, 10, 12, 13, 14. Now it is not probable, that Paul would constitute Timothy a Diocæsan Bishop of all Ephesus, yea the very first Bishop of that famous See, being but a youth, so soone as hee had ordained him to be a Minister: *and before hee knew how to behave himselfe, in the house and Church of God, which then hee did not,* 1, Tim. 3, 15.

‡ *Vide Chytræum On a mast. in Timotheum, & Gerſonium Bucerum: Diſſertat. De Guber. Eccleſiæ. p.* 506. 507.

4. *Assoone as Paul returned againe from Macedonia to Ephesus, hee sent Timothy into Achaja, himselfe staying at Ephesus in Asia for a season,* Acts. 19, 22, to 40, *and from thence returned into Macedonia; and through it into Asia, accompanied with Timotheus, and others*: Acts. 20, 1, to 7, after which wee never read that Timothy writ, came or returned to Ephesus. Now if Timothy had beene Bishop of Ephesus, it is not probable that Paul upon his returne from Macedonia, *would have sent him from Ephesus into Macedonia, to Corinth, Philippi, & other Churches there,* as he did Acts 19, 22, c. 20, 4, 5. 1 Cor. 14. 17, 2 Cor. 1, 19.

1, 19. Phil. 2, 19. 1, Thes. 3, 1, 2. 6, or that Timothy would have gone from his owne Episcopall See, into another Bishops Dioces, and never returned to his owne Cure of Ephesus, (which for ought we read hee never did after his first departure thence) *contrary to Pauls owne direction to the Bishops of Ephesus*, Acts. 20, 28.

5. Wee read, *that Paul sent Timothy into Macedonia*, Acts. 19, 22. *to preach the Ghospell to the Church of God there; that he sent him to the Church of Corinth to bring them in remembrance of his wayes which were in Christ, as hee taught everywhere, in every Church, and to worke the worke of the Lord*, 1, Cor. 4, 17, c. 16, 10, *and that hee accordingly preached Iesus Christ the Sonne of God among them*, 2, Cor. 1, 19. That hee *likewise sent him to the Church of Thessalonica, to establish and comforth them, concerning their faith*, 1, Thess. 3, 1, 2, 3, 4. *and after that to Philippi from Rome, that hee might know the Sate of the Philippians, hee having no man like minded, who would so naturally care for their state as Timothy*. Phil. 2, 19, 20. But wee never read that Paul sent him to Ephesus either to comfort, exhort, confirme, instruct them, or to know their State after his first departure thence; which he would questionlesse have done, had hee beene their Bishop, rather then thus have imployed him to other Churches. Timothy therefore was rather Bishop of these Cities and Churches then of Ephesus.

6. As Timothy was sent by Paul to the Churches of *Corinth, Philippi, and Thessalonica, so hee joynes with Paul in his Epistles written to those Churches, directed to them in both their names*: witnesse 2, Cor. 1, 1, Phil. 1, 1. 1, Thes. 1, 1, 2, Thes. 1, 1, in which Epistles *Paul makes frequent of Timothy*: witnesse 1, Cor. 4, 17, c. 16, 10. Phil. 2, 19. 1, Thes. 3, 2, 6. Moreover *hee joynes with Paul in writinge to the Colossians*: Col. 1, 1, and *Paul in his Epistle to the Romans*, c. 16, 21, *remembers his salutation by name to the Church and Saints of Rome*,

and

and in his *Epistle to the Hebrewes written by Timothy as his Scribe, hee makes mention of his delivery out of prison by name*, Hebr. 13, 23. * But in the Epistle to the Ephesians, *written from Rome, long after Timothy was supposed to be made Bishop of Ephesus*; Timothy neither joynes with Paul in the inditement or salutation, neither doth Paul so much as once name or mention him throughout that Epistle, as he doth in all the other Epistles to the Churches whether hee sent him, and in every of his Epistles else to any Church, except in his Epistle to the Galathians. Timothy therefore doubtlesse was not Bishop of Ephesus at this season; else he would have vouchsafed to have joyned with Paul in his Epistle to the Ephesians, as well as in his Epistles to other Churches; or Paul being his speciall Friend and applauder, would have made some honorable mention and commendation of him to the Church of Ephesus, (his owne peculiar Dioces as some affirme,) as he doth in his Epistles to most other Churches, where he was never Bishop. An unanswerable argument in my opinion, that Timothy was never Bishop of Ephesus, since there is no newes at all either from, or of, or to, or concerning him in Pauls Epistle to the Ephesians, of which hee is surmised, to be the first, sole and genuine Bishop. * Note well.

7. If Timothy were Bishop of Ephesus when Paul writ his first Epistle to him, why then did *Paul himselfe excommunicate Hymenus and Philetus, and deliver them unto Satan*, and not write to Timothy to excommunicate these Heretickes, and play the Bishop in his owne Dioces, 1, Tim. 1, 20. yea why did *Paul himselfe*, no Timothy, *lay hands upon the Disciples, there ordained after such time as he was Bishop there*, Acts. 19, 1, 6, 7? Was it becausse Timothy was a negligent, or impotent Bishop, unwilling or unable to excommunicate Heretickes, or ordaine Ministers? or in truth, becausse he was no Bishop then and there? Not the first of these, since

Timothy was neither negligent, nor impotent in his function: therefore the latter, he being then, no Bishop, nor yet exercising his Episcopall Jurisdiction there.

8. Had Timothy beene Bishop of Ephesus, when Paul wrot his first Epistle to him, no doubt *Paul when hee sent for the Elders of the Church of Ephesus, to Miletus to take his finall fare well of them, and made a solemne speech unto them,* charging them, *To take heed unto themselves and to the flock over the, which the Holy Ghost had made them Bishops, to feed the Church of God, which he had purchased with his owne blood,* and Acts. 20, 17, to 38, would have made some speciall mention of Timothy, and directed his speech more particularly to him by name, as being the Prime Bishop of that Church, to whom this charge did principally appertaine. But Paul in that speech of his, makes no particular mention at all of Timothy, neither directed hee any part of his speech to him, *he being none of the Elders of Ephesus sent for to Miletus, or any of that number whom the Holy-Ghost had made Bishops of that flock and Church: hee coming along with Paul out of Macedonia into Asia to Troas and Miletus,* Acts. 20, 3, 4, 5, &c. and so none of the number of Elders sent for and called from Ephesus to Miletus, to whom this speech of Paul was applyed. Therefore questionles hee was not then Bishop, muchlesse sole Bishop of Ephesus, as some groundlesly affirme, against this unanswerable text.

9. Paul himselfe, as hee sent Timothy *to Philippi, Troas, and other Churches, to instruct, confirme, comfort, and inquire of their estates*; so hee expresly writes to Timothy, 2, Tim. 4, 12, *that he had sent Tychicus unto Ephesus, for the selfesame purpose.* Which *Tychicus as hee did write the*

Epistle

Epistle of Paul to the Ephesians from Rome, so Paul in that very Epistle of his to the Ephesians, c. 6, v. 21, 22, acquaintes them; *That Tychicus a beloved brother and faithfull Minister in the Lord, should make knowne to them all things: whom* (saith he) *I have sent unto you for the same purpose, that ye might know our affaires, and that he might comfort your hearts.* So that if there were any particular Diocesan Bishop of Ephesus instituted by Paul, this Tychicus (whom *Dorotheus* makes *one of the 70. Disciples and Bishop of Chalcedon in Bithinia*) was more like to be the man, then Timothy, as these two Scriptures evidence.

10. Paul himselfe makes mention of *Elders in the Church of Ephesus RVLING WELL, and laboring in the word and doctrine, and so worthy of double Honor*, 1, Tim. 5, 17. Which *Elders* hee expressly stiles, *Bishops of Ephesus*, Acts. 20, 27, 28. These therefore *being instituted Bishops of Ephesus even by the Holy Ghost himselfe, and ruling, feeding, and taking the care, the oversight of that Church by his appointment*, questionlesse Timothy at the selfesame season could not be Bishop there.

3. Thirdly, As Timothy was neither a Bishop, nor Bishop of Ephesus; so muchlesse was hee the first, or sole Bishop there, as the Postscript of the second Epistle to him in some late Coppies, tearmes him. Not the first Bishop of Ephesus: For, *as that Church was first planted by S. Paul, Who continued therefore for a season*: Acts. 18, 19, 20, c. 19, 1, to 41, c. 20, 17, to 38. 1, Cor. 15, 32, c. 16, 8. 2, Tim. 1, 18, and *after that for two yeares and three moneths space together, disputing dayly in the Schoole of one Tyrannus, so that all they who where in Asia heard the Gospell*, Acts. 19, 8, 9, 10. during

That Timothy was neither the sole, nor the first Bishop of Ephesus.

during which time of Paules residence there (*in all 3. Yeares*, Acts. 20, 31,) there needed no Bishop to governe and sway the Church, neither is it probable that any Diocesan Bishop was there constituted: So *the two first that Paul left behinde him at Ephesus at his first comming thither, to instruct that Church were Priscilla and Aquila*, Acts. 18, 18, 19, *during whose abode there, while Paul went from thence to Antioch, and over all the Countrie of Galatia and Phrygia, in order strengthning all the Disciples; a certaine Iew, named Apollos, borne at Alexandria, an eloquent man and mighty in the Scriptures came to Ephesus; Who being instructed in the way of the Lord, and fervent in the spirit, spake and taught diligently the things of the Lord; and began to speake boldly in the Lord: whom when Aquila and Priscilla had heard, they tooke him unto them, and expounded to him the way of God more perfectly*: Acts. 18, 22, to 27. So that *Aquila whom Paul left first at Ephesus before Timothy, and Apollos who likewise preached there*. may with greater reason be stiled, the first Bishops of Ephesus, then Timothy; whom *Paul intreated to stay there only at his last going into Macedonia*: Acts. 20, 1. *as* † *most accord.* Besides, we read, *that Paul at his second comming to Ephesus*, before Timothy was constituted Bishop thereof, *finding certaine Disciples there, about 12. in number, who were onely baptised into the baptisme of Iohn, and had not received the Holy Ghost since they believed, baptized them in the name of the Lord Iesus, and when hee had laid his hands upon them, the Holy Ghost came on them, and they spake with tongues, and prophecied*: Acts. 19, 1. to 18. *Which 12. abiding at Ephesus*, as is most probable, by Acts. 20, 17, 28, 29, to rule and instruct the Lords flocke in that Citty; may more properly,

† *Bucerus De Gubernat. Eccl.* p. 506 *usque* 510. *Cent. Magdeb.* 1. l. 2. c. 10. Col. 626.

properly be termed, the first Bishops of the Ephesians, then Timothy, who as hee was not the first, *so muchlesse was hee the sole Bishop of that See; as is infallibly evident by* Acts. 20.4, 5, 15, 17, 18, 28, 29. Where wee read, *that Paul returning through Macedonia in to Asia, to goe to Ierusalem, to the Feast of Pentecost, there accompanied him Gajus of Derbe, and Timotheus;* with others: (where Timothy is reckoned to be of *Derbe*, not Ephesus) *All these going before to Troas accompanied Paul to Miletus; who from thence sent to Ephesus, and called to him the Elders of that Church to Miletus. And when they were come thither, hee said unto them. Yee know from the first day that I came into Asia, after what maner I have beene with you at all seasons &c. Take heed therefore unto yourselves, and to all the flock over which the Holy Ghost hath made YOV BISHOPS* (so the Greeke, yea the Latine and ancient English Translations truly render it) *to feed the Church of Christ, which hee hath purchased with his owne blood. &c.* from whence it is apparant.

First, That the Church of Ephesus at that time, *had not one but many Bishops, and that by the very institution of the Holy Ghost*: Therefore Timothy could not be sole Bishop there, by Pauls institution, in opposition to the holy Ghost.

Secondly, That these Bishops *knew from the first day that Paul came into Asia, after what maner he had been with them at all seasons*: and therefore, in all likelyhood, were appointed Bishops of Ephesus at the very first planting of that Church, before Timothy was setled Bishop: so that he was not the first Bishop there; but these rather, before, or as soone as he.

Thirdly, That Timothy was then neither Elder, nor Bishop of that Church at this time when Paul tooke his farewell of it; *hee comming with Paul out of Macedonia to Miletus, and being none of the Elders and Bishops sent for, from Ephesus, to*

whom alone Paul directed his speech: who had hee then beene sole or prime Bishop of that See, Paul would not have stiled the Elders which he sent for, *Bishops of that flocke*, at leastwise hee would have made some speciall mention of Timothy in this speech of his, and given him some speciall instructions for the instructing and governing of that Church: Or at least have honored Timothy so farre, as to have made him give this Episcopall charge. and instruction to the Elders and Bishops of his owne proper Church and Dioces, or to have enjoyned them in speciall maner to reverence, honor and yeild him all Canonicall obedience as their supreame Diocesan. All which Paul utterly neglects, or forgets to doe; or particularly to charge Timothy to take heed to or feed this flocke, hee being oft a Nonresident from it, as I have prooved. Yea, *making such hast to be at Hierusalem by the feast of Pentecost*, v. 16. that hee could not spare time to goe to Ephesus, hee needed not to haue sent for the Elders of Ephesus to Miletus to give them these instructions, since Timothy their Bishop was then present with him, to whom hee might and would no doubt have imparted them, without further trouble, hath hee then in truth beene Bishop of that Church. But this sending for these Elders in his hast, and stiling them *Bishops of that flocke*, *&c.* without any mention at all of Timothy, who was none of the Elders sent for to Ephesus, is an infallible evidence, that hee was neither Bishop, nor first or sole Bishop of that Citty. Adde wee to this, *that when Paul exhorted Timothy to abide at Ephesus, there were then in that Citty Elders, who did both rule well, and labor in the word and doctrine, and so were worthy double honor*, 1, Tim. 5, 1, 17, 19. Now these very Elders, as *Paul himselfe affirmes*, *were made BISHOPS of the Church of Ephesus by the Holy Ghost*, Acts. 20, 17, 28. Therefore Timothy could not be *the first*, *the sole Bishop of the Ephesians as the false Postscript of the second Epistle to him*, stiles him. Moreover; *it was the Apostles maner in those times to place* † *many Bishops and Elders in every Church, not to constitute one Monarchicall Bishop over many*: witnesse Acts. 11, 30. c.

† *See Gerso-nius Bucerus, De Guber. Eccles. p. 302. 303. 304.*

30. c. 14, 23, c. 15, 2, 4, 6, 22, 13, c. 16, 4, c. 20, 17, 28. c. 21, 18, c. 22, 5. Phil. 1, 1. 1, Tim. 5, 17. 1, Pet. 5, 1, 2, 3, Tit. 1, 5, 7, Iam. 5, 14. Hebr, 13, 17. Acts. 13, 1, 2. 1. Cor. 14, 29, 30, 31, 32. 1. Thes. 5, 12, 15, Rom. 16, 3, 9, 12. Col. 1, 7, c. 4, 9, 12, 17. which testify, *that there were many Bishops and Elders both at Ierusalem, Corinth, Philippi, Rome, Thessalonica, Colosse, Ephesus, yea in all other Churches, in Crete and elsewhere, at one time, by which the Church of God was taught and joyntly governed, as by a common Councell of Bishops and Elders, as* g *Ireneus,* h *Ignatius,* i *Ambrose,* k *Hierome,* and l *other ancients* testifie. Hence m *Epiphanius & Eusebius* testify, *that Paul and Peter were joynt Bishops of Rome at the same time; &* n *Tertullian* writing of the Church-governors in his age, saith; *Præsident nobis probati Seniores, &c. that approoved Elders* (not one Diocæsan Bishop) *were Presidents over every severall Christian Congregation*; and in his booke *de Corona Militis*, hee affirmes the same. Since therefore the Apostles themselves ordained many Elders and Bishops in every Citty and in Ephesus too, it is neither possible, nor probable, that Timothy alone should be constituted sole Bishop of Ephesus. Finally it is recorded by ‡ *Ireneus,* p *Eusebius,* q *Nicephorus* r *Metraphrastes,* s *Hierome,* t *Chytræus,* u *Baronius,* * *and many others* quoted to my hand by *Gerson*ius *Bucerus* : *Dissertatio De Gubernatione Ecclesiæ p. 520. to 526. That S. Iohn the beloved Apostle after the Councell held at Hierusalem Acts. 15. resorted to Ephesus residing, governing, and instructing that Church which Paul had planted, after Pauls departure thence, with the Churches in Asia thereunto adjoyning, even till Trajanes dayes; and that though he were banished thence by Domitian for a season, yet after his exile hee returned thither againe, writing an Epistle to that Church during the time of his banishment,* Revel. 2. 1. *which hee names before all the other Churches of Asia.* If S. Iohn then kept his residence at Ephesus, and ruled that Church by his Apostolicall power, even till Trajanes dayes; how could Timothy be sole Bishop and Superintendent there ? there being no need of a Bishop, where an Apostle was present and resident to governe,

g *Contra hæres. l. 4. c. 43 and l. 3. c. 2.*
h *Epist. 5. 6. 7. 8.*
i *Com. in Phil. 1. 1. 1. Tit. 1. 5. 7.*
k *In Ephes. 4.*
l *Sedulius in Tit. 1. 5.*
m *Contra Hæreses l. 1. Hæres. 27. col. 88. 89. Eccles. Hist. l. 3. c. 31.*
n *Apologia contra Gentes c. 39.*
‡ *Advers. Hær. l. 3. c. 3*
p *Eccl. Hist. l. 3, c. 23,*
q *Eccl. Hist. l. 2. 42. 44. 46.*
r *In Lipom. De vitis Sanct. l. 1. de Iohanne.*
s *Catal. Script. Eccl. Iohannes.*
t *Onomast. in Ioan.*
u *Annal. Tom. 1.*
* *August. Epist. 86.*

by whose divine superior authority and presence all Episcopall Iurisdiction was suspended. To close up this particular point; * *Bucolcerus*, x *Fasciculus Temporum, the* y *Centuary writers*, and z *some others record that Timothy survived S. Iohn, living till about the yeare of Christ* 108. *and was then martyred in the third persecution under Trajan, or under Nero, or Domitian.* If this were true, and that Timothy continued Bishop of Ephesus till his death, as the Patriotes of our Prelates affirme, then by their owne doctrine, it will necessarily follow, *that Timothy was the Angel of the Church of Ephesus* (which they interpret to be the *Bishop of that Sea*) *to whom S. Iohn writes.* Rev. 2. 1. 5. charging him *that hee had left his first love*; and therefore admonished him, *to remember whence hee was fallen, to repent, and doe the first workes &c.* But it is not credible, nor probable, that Timothy a man so pious, so laborious, so vigilant, and so much applauded by Paul in most of his Epistles, should be this backsliding Angell of the Church of Ephesus, (which the contents of *our authorized Bibles*, to omit all b *other Commentators*.) of the last translation, affirme, *to bee the Ministers* (not the Bishop) *of that Church*, as some Apostatizing Prelates glosse it,) therefore from thence, and all other the premises, I may now safely conclude, that Timothy was not a Bishop, nor yet the first, sole, Diocesan Bishop of Ephesus, as our Prelates groundlesly affirme; whose allegations to the contrary I shall next propose and refell, that so the truth may be more perspicuous.

Object. 1. The first allegation to proove Timothy a Bishop, when Paul writ the first Epistle to him, *is the Postscript of the second Epistle*, which runns thus; *the second Epistle unto Timothius, ordained the first Bishop of the Church of the Ephesians, was written from Rome, when Paul was brought before Nero the second time.* Hence c *Bishop White and others*, conclude Timothy to be a Bishop.

* Chronol. Isag.
x De Timotheo.
y Cent. 1. l. 2. c. 10. col. 626.
z Niceph l. 3. c. 71. Vincentius Spec. Hist. l. 38. c. 10.
a Beda in Apoc. 1. and 2. Aretas in Apocal. 2. & 3. Ambros. Ausbert in Apoc. l. 2. & Primasius in Apoc. 2. Brightman. Gerson. Bucerus De Guber. Eccl. p. 205. 393 408. 419. 422. 433. usque 466. 472. 484. 485.
c Preface to the Treatise of the Sabbath. Bishop Downham in his consecration sermon.

An-

Answer. To which I answer; *First*, that this Postscript is no Scripture, (& all others as in † *M. Perkins* workes is prooved at large) no part of the Epistle, no Appendix of S. Paules, but a private observation, annexed to it, by some Scribe or other after the Epistle written without any divine inspiration; as the words themselves demonstrate; *The SECOND Epistle unto Timotheus ordained the first Bishop of the Church of the Ephesians, was written from Rome, when Paul was brought before Nero the second time.* Where observe; First, that this Postscript is written not in the name of Paul, *but of some third person* as the whole frame of it Demonstrates.

† *Comment. on Gal. 6. p. 497. 498. 499.*

Secondly, that this Postscript is no direction given by Paul to Timothy as the words (*the second Epistle unto Timotheus, ordained the first Bishop of the Church of the Ephesians, was written &c.*) evidence, but a direction of some Notary or * *Commentator* to the Reader, who here speakes both of Paul and Timothy in the third person.

* Perchance *Theodoret.* the first in whom I finde any Postscript. 430. yeares after Christ.

Thirdly, The words *WAS WRITTEN &c.* in the preter imperfect tense, shewes this postscript to be a meere addition of some Scribe or Expositor, some good space after the Epistle written; not of Paul himselfe, at the time when he writt it; all the Postscripts of his other Epistles, appearing manifestly not to bee his, by the same reason.

Fourthly, It is here called, *the second Epistle unto Timotheus*, in relation to the *first*; and the first Epistle to him, written many yeares before it, is likewise stiled, in the Postsript of it, *The first to Timothy* with reference to the second. As therefore the Postscript of the first Epistle was certainly added by some Notary after the second Epistle written, since it is called the first in relation to it: so no doubt the Postscript of the second Epistle was annexed to it after the first Epistle, and it was transcribed and bound up together, by the same party that added the Post-

script to the first; the Postscript stiling them thus the 1. and 2. in regard of their mutuall relation one to the other; after they were both conjoyned, and the New Testament and Paules Epistles, digested into that order and method, wherein now they are placed, both in manuscripts and printed Coppies.

*See Master Perkins comment. on Gal. 6. p. 497. 498. 499. where this is largely prooved.

Fifthly, It is very unlikely, that Paul would make such a Postscript as this. For as these words (*was written from Rome, when Paul was brought before Nero the 2. time*) sound not of Paules language but some others; so the second Epistle unto Timotheus *ordained the first Bishop of the Church of the Ephesians*, savour not of his inditing; who never in any of his Epistles to him or others stiles him a Bishop, much lesse *ordained the first Bishop of the Church of the Ephesians*, neither would he have made such a description of Timothy as this, to Timothy himselfe.

* Comment. on Gal. 6. p. 497. 498. 499.

† See Tripart. Hist. l. 11. c. 3. Theodoret. Eccl. Hist. l. 4. c. 7. the Title of the Chapter. Socrates. Eccles. Hist. l. 7. c. 3. Nicephorus. Eccl. hist. l. 14. c. 11. (the first who stile it Pacatiana) and those who have lately commented on, and written against this Postscript.

Sixtly, *None of the other Apostles have any Postscripts added to any of their Epistles*; it is likely therefore that Paul guided by the same Spirit, added none to all, or any of his, but that they * were added by some other, who either transcribed and collected his Epistles together, or commented on them; as were the severall Titles both before and over his severall Epistles, and the contents before each Chapter, both in manuscripts, and printed Copyes.

Seaventhly, It is apparant, that the Postscripts of many, of Paules Epistles are forged and false, as * *M. Perkins* workes prooves them; and that the Postscript of the first Epistle was written not onely after the second penned, but likewise three hundred yeares after Christ or more. For it runns thus. *The first to Timothy was written from Laodicea, which is the cheifest City of Phrygia Pacatiana.* For Phrygia was not surnamed *Pacatiana* (as † *divers affirme by any Historians and Geographers,*) *till at least*

Surius Conc. Can. 1. p. 453. Tom. 2. 2. p. 11. 12. 221. 438. 461. 479. 480. 483. 488 413. 499. 503. 505. 520 553. 580. 589. 599. 601. Carolus Sigonius de occidentalis Imperio. l. 3. p. 90.

three

three hundred yeares after Christ; from one Pacatius, a Generall, as is conceived, who subdued it. Since therefore it was not so stiled till three houndred yeares after Christ, this Postscript must needs be added after that time; and so in all likelyhood the Postscript of the second Epistle too, being both made by the same author, at the same time; and the first, first both in time and order, as is most probable, neither would Paul doubtlesse make such a Postscript to tell Timothy *that Laodicea, was the cheifest Citty of Phrygia Pacatiana*, it being so neere to Ephesus, and as well knowne to Timothy as to Paul. Who as * *the Rhemists and Baronius confesse was never at Laodicea*, which they proove by Gal. 2. 1. and so this Postscript is but a meere falsehood. forgerie

* *Master Perkins Commentar. on Gal. 6. p. 497. 499. 499.*

Eigthly, This Postscript is directly contrary to the very preface and body of the Epistle, written no doubt by Paul; which as it expresly styles Timothy *an Euangelist*, not a Bishop; *exhorting him to make full proofe of his Ministery*; not of his Bishopricke. c. 4. v, 5. So Paul therein, and in the first Epistle, ever termes him, *his dearly beloved Sonne.* 2. Tim. 1. 2. c. 2. 1. 1. Tim. 1. 2. 18. A man of God: 1. Tim. 6. 11. 2. Tim. 3. 17. not a Bishop: and in the 2. Tim. 4. 12. but a little above the Postscript, Paul writes expresly to him, *that hee had sent Tychicus to Ephesus to know their affaires, comfort their hearts, and make knowne to them all things. Hee being a beloved brother and faithfull Minister in the Lord* Ephes. 6. 21. 22. and neither Timothy his Curate and underling, muchlesse his Successor at Ephesus, as is probable.

Ninthly, This Postscript is directly contradictory to many fore-alleadged Scriptures, which proove Timothy to be no Bishop, muchlesse the first or sole Bishop of the Church of the Ephesians; therefore not to be beleeved. See Acts. 20. 28.

Thenthly

Tenthly, The Postscript itselfe, but especially the clause of it, (*ordained the first Bishop of the Ephesians*) whereon this objection is grounded, is but a late addition, not extant in any of the Fathers workes who have commented on this Epistle, (except *Oecumenius*, who lived 1050. yeares after Christ; the first in whom this clause of the Postscript is found) nor in the most ancient best, *Greeke, Latine, Arabick, English, or other Copyes and Translations, whither manuscript, or printed*; therefore to be rejected, as counterfeit coyne.

Eleventhly, [d] *Eusebius*, writes, *that Timothy WAS REPORTED TO BE* (not that he verily was) *the first Bishop of Ephesus*, therefore this Postscript either was not in being in his age, or else it had no more credit then a bare report, not sufficient to resolve that Timothy was undoubtedly and of a truth Bishop of Ephesus: The first who makes mention of any of these Postscripts is *Theodoret 430. yeares after Christ*, who perchance then added them to Paules Epistles; but in his Postscripts this clause (*ordained the the first Bishop of the Ephesians*, With that of Titus, *ordained the first Bishop of the Church of the Cretians*) cannot be found.

[d] Eccles. Hist. l. 3. c. 4. as Meredith Hanmer an English Bishop, Englished it, in his English translation of Eusebius.

Secondly, admit this Postscript true, and authenticall, that Timothy was Bishop of Ephesus when this second Epistle was written, being but a [e] *little before Paules death*, yet this is no good proofe. that hee was Bishop of Ephesus, when the first Epistle was penned, being some 10. or 12. yeares before, as most conjecture; for if it be a good argument; that Timothy was Bishop of Ephesus, when the second Epistle was written to him, because the Postscript of it onely stiles him so: it is as good or a better argument for me to say; that Timothy was no Bishop of Ephesus, when the first Epistle was directd to him, because

[e] 2. Tim. 4. 6. 7. 8. 9. with all Expositors on this Epistle and the Postscript of it if of any force or truth

becauſe neither the body nor Poſtſcript of that Epiſtle; nor any other Scripture whatſoever, ſtiles him, either a Biſhop, or Biſhop of Epheſus, *though hee* * *was reſident at Epheſus, when the firſt Epiſtle was written to him*; ‡ *but not when the ſecond was ſent him*; and ſo ſhould much more have beene ſtiled a Biſhop, in the firſt Epiſtle and Poſtſcript, then in the ſecond. Now all the Prelates and Papiſts arguments, by which they would proove Timothy a Biſhop, are drawen from his firſt Epiſtle, not his ſecond, the Poſtſcript therefore of his ſecond Epiſtle is no argument to proove, that he was a Biſhop when the firſt Epiſtle was written: for why then ſhould not the Poſtſcript of the firſt Epiſtle ſtile him a Biſhop as wel as the ſecond? yea, rather then the ſecond? ſince the firſt hath much matter in it, both concerning the offices and qualities of a Biſhop, the ſecond very little, or nothing, ſave onely of *f diligent and conſtant preaching in ſeaſon and out of ſeaſon*; which belongs indifferently to all Biſhops and Miniſters, and is ſo farre from being proper and peculiar to Biſhops in theſe dayes, that it is hardly common to or with any of them; Rare to moſt of them, and altogether improper to ſome of them, who *g like the dunſticall Biſhop of Dunkeden, thinke it no part of their Epiſcopall office, and that they were never ſo much as ordained to preach, but rather to ſit mute and domineer like Lords, and that preaching belongs onely to Curats, and inferior Miniſters, not to Lordly Prelates*, who ſeldome climbe now into a Pulpit above once a yeare, whereas Chryſoſtome, Auguſtine, Ambroſe, Cyrill, Hooper and other Biſhops anciently preached once at leaſt every day.

* 1. Tim. 1. 3. 4.
‡ 2. Tim. 4. 12. Epheſ. 6. 21. 22.
f 2. Tim. 4. 1. 2.
g Fox Acts & Monuments pag. 1153. Nicolaus De Clemangijs de corrupto Eccl. Statu c. 14. 15. 16. 17. 18. 19. Biſhop Latymers Sermon of the plough.

Obj. 2. The ſecond allegation is this; that *Paul deſcribes to Timothy the office, qualities, carriage, and duties of a Biſhop, inſtructing him how to demeane himſelfe in that office*, 1. Tim. 3. 4. and 5. Therefore hee was a Biſhop.

See the Rhemiſts in their Preface to this Epiſtle.

Anſw. 1. To this I anſwer: firſt, that *Paul by a Biſhop in this Epiſtle meanes no Diocæſan Biſhop in dignity and*

degree above a Presbyter, but onely such a Bishop as was equall, the same, and no wayes different from an Elder; as all the h *Fathers and most moderne Expositors on this and other texts accord.* Such a Bishop I acknowledge Timothy to be, and so this instruction to him implyes; but that hee was a Diocæsan Bishop, superior in dignity to a Presbyter, this text and argument cannot evince.

h Hierom, Ambrose, Chrysostome, Sedulius, Primasius, Theodoret, Theophylact, Remigius, Rabanus, Maurus, Anselmus, Oecumenius, Alensis, Lombard, Bruno with all late Expositors on 1. Tim. 3. Phil. 1. 1. Tit. 1. 5. 7. Acts 20. 17. 28. and Master Cartwright, in his Answer to the Rhemists Preface.

Secondly, Admit it meant of a Diocæsan Bishop, yet it followes not thence, that Timothy was such a one: this *Epistle being written rather to instruct others then Timothy*, who was so well tutered before, both by his grand mother, *Lois and Paul*, 1. Tim. 6. 12. 20. c. 4. 6. 14. 16. 2. Tim. 1. 5. 6. 13. 14. c. 2. 2. c. 3. 10. 14. 15. *rather, for a patterne of the qualification and duety of Ministers; to direct the Church in all future ages, then to informe Timothy at that time: whence in both these Epistles there are some predictions of the Apostacy and degeneracy of the last times*; more necessary for *i others then Timothy to know*, 1. Tim. 5. 24. 25. c. 6. 15. c. 4. 1. to 7. 2. Tim. 3. 1. to 10.

i Non solum Timotheum sed & omnem per hoc admonet Episcopum: Oecumenius in 1. Tim. 5. 1.

Thirdly, there is in the same chapter instructions given, *concerning Deacons, Widdowes, and others*; yet Timothy was neither Deacon nor Widdow; which being necessary for the Church of God, and for Timothy also to know, as hee was an Euangelist, a fellow-helper and assistant of Paul in his Ministeriall and Apostolicall function, and as his delegate to order and regulate the Church accordingly, argue him to be no more a Bishop, as is surmised; then that every *Minister and Christian for k whose instruction and direction this Epistle was written as well as for Timothies* are Bishops; or then any Archbishops, or Bishops instructions to their Archdeacons, Vicars Generalls, Chauncellers or Officials for Ecclesiasticall affaires, or Visitations, argue them to be Archbishops or Bishops.

k 2. Tim. 3 16. 1 Tim. 6. 1. to 21.

Fourthly

Fourthly, We read of divers bookes, concerning the office and regiment of Kings, of Magistrates, and Captaines dedicated to young Princes, and others who were neither Kings, Magistrates, nor Captaines; of diverse tractates concerning Bishops, inscribed to such who were no Bishops; yet the dedicating of such Treatises to them, did neither constitute or necessarily imply them to be Kings, Magistrates, Captaines, Bishops. Why then should this Epistle to Timothy, wherein are some things concerning the office, qualities, and duties of a Bishop, proove him convincingly to be such a one.

Obj. 3. The third evidence to proove Timothy a Bishop, is taken from the 1. Tim. 5. 22. Where hee is enjoyned, to lay *hands suddenly on no man*; that is, to ordaine no man suddenly, a Minister. Therefore certainly, hee was a Bishop, because none but Bishops have power to ordaine Ministers.

Answ. 1. I answer first, that the laying on of hands hath divers significations in Scripture. Sometimes, it is taken *for an apprehension of another, as a Malefactor to punish, or bring him to judgement for his offences*, Exod. 24. 11. Esther 8. 7. Gen. 37. 22. Exod. 6. 13. Nehem. 13. 21. Luke. 21. 22. in which sence it may be well taken here, as the proceeding verses evidence. Sometimes it is used for *reconciliation of persons at variance*, Iob. 9. 33. Sometimes for *benediction* or blessing of *another*, Matth. 9. 15. Sometimes for *curing and healing*, Mark. 5. 23. Math. 19. 18. Mark. 6. 5. Luke. 4. 40. Sometimes for *confirmation*, as many affirme, Acts, 8. 17. 18. 19. Sometimes for *ordination*, as Acts. 6, 6. cap. 8, 17. 11. cap. 13. 3. 1. Timoth. 4. 14. 2. Timoth. 1. 6. Acts. 19. 6. In which of these sences it is here meant is ‡ *not certainely resolved*, and so no inference can be infallibly raised thence.

‡ *Divus Basilius ita interpretatus est, quasi nihil hujus capitis ad ordinationem pertineat. Oecumenius, in 1. Tim. 5. 22.*

was not so much as *to receive an accusation, against an Elder but under two or three witnesses at least*, first examined; and *our Ecclesiasticall Commissioners and Bishops are so farre* from this divine Apostolicall precept, by which they would proove Timothy, and themselves to be Bishops *Iure divino, that they will pursevante, silence, suspend, imprison Mniisters and Elders and put them to selfe accusing on ex officio, oathes, and upon every jealosie suspition, and private accusation of any drunkard, rascall or without two or three witnesses or accusers, first examined against them, and brought face to face.* A direct proofe, that neither they nor their proceedings are *Iure divino.*

† *Conference at Hampton Court. p. 89. 90. Mevini Celsæ Commissionis Anatomia. Fullers argument. 1607 The Petition of Greivances 7. Iacobi.*

Answ. 2. Secondly, I answer, that by *Elder* in this text, (as *many conceive*) is not meant a Presbyter, or Minister, *but an ancient man*, as it is taken in the *first verse of the chapter*: so as it prooves not, that Timothy had any Ecclesiasticall Jurisdiction over the Elders that were Ministers of Ephesus, *who ruled that Church*, v. 17. and *were the Bishops of it*, Acts. 20. 28. Where Paul enjoynes them, *to take heed to themselves*; as having no Superintendent paramount them; not giving Timothy any charge to take heed to them.

m Chrysost. Theodoret, Theophilact. Oecumenius, and others on this text. The Brethren of London in King Henry the 8. his dayes in their Letter to Thomas Philips. Fox Acts and Monumens. p. 951.

Thirdly, Admit these Elders were Ministers, yet Timothy had no judiciary power over them, to suspend or correct them: since *v. 1.* hee is expresly enjoyned, *not to rebuke an Elder, but intreat him as a Father*: which is farre from giving him any such Episcopall Iurisdiction over them as our Bishops now exercise and usurpe; using godly Ministers and raking them, rather like dogs and and scullions, then Elders.

Fourthly, The words are not; that hee should not excommunicate, suspend, convent or censure an Elder, but *that hee should not receive an accusation against him, but before two or three witneses.* Now to condemne or censure, is one thing, to receive an accusation, another. The first not but a Iudge

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or cheife officer can doe ; the second, every register, clerke, informer, or under officer; Yea, *every private Christian is capable to receive an accusation, and every ordinary Minister too, against another superior to him in age, estate, or place, either privately to admonish him, that is accused, of his fault, or to reproove him for it; or to counsell him how to repent and redresse it; or to comfort him if hee be dejected with it, or to informe against him to the Magistrate, or whole Congregation, or to pray to God for his amendement.* Math. 18. 15. 16. 17. Levit. 19. 7. Gal. 6. 1. 2. Thess. 3. 14. 15. 1. Tim. 5. 20. 24. Tit. 1. 10. to 14. 2. Iohan. 10. 11. Iud. 22. 23. which well expound this text.

Fifthly, The true meaninge of this text is this, that Timothy and other Christians of what quality soever, especially Ministers, should not lightly receive or beleeve any ill report, cheifly of an Elder or Minister, without sufficient testimony of the truth thereof by two of three able witnesses; as will plainely appeare by paralelling it with Psal. 15. 3. Numb. 35. 30. Deut. 17. 6. c. 19. 15. Hebr. 10. 28. and with Math. 18. 15. 16. 17. where our Saviour saith thus: *Moreover, if thy brother shall trespas against thee, goe and tell him his fault betweene him and thee alone: if hee shall heare thee, thou hast gained thy brother* : But *if hee will not heare thee, then take with thee two or three more, that in the mouth of two or three witnesses, every word may be established; and if hee shall neglect to heare them, tell it to the Church, and if hee neglect to heare the Church, let him be unto thee as an heathen man and publican.* A perfect Commentary on this text of Paul, and a direct censure of our Bishops ex officio, oathes, and proceedings by the parties owne selfe accusing oath, and answere without or before witnesses produced.

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6. This text (admitt it gives power to Timothy to take accusations against an Elder before two or three witnesses;) yet it excludes not the other Elders of Ephesus from having like power with him; it gives him not any sole power to heare and determine complaints without the other Elders assistance or consent, *but together with them*, Math. 18, 19. 1, Tim. 5, 17. Acts. 20, 28. Hence the *fourth Councell of Carthage*, Can. 23. and after it *Gratian. Caus. 15. Quæst. 7. Cap. Nullus*, Decree, *That a Bishop should heare no mans cause without the presence of his Clerkes; and that the sentence of the Bishop should be void, unlesse it were confirmed with the presence of the Clergy*: yea, *Gratian* in that place prooves out of the *Councels of Hispalis*, *Agatha the first*, *Carthage the second and fourth*. *Gregory*, (whose words and Canons hee recites at large) *that a Minister*, *Presbyter*, *or Deacon cannot be punished*, *or deprived by the Bishop alone*, *but by a Synode or Councell*, *and that the Bishop cannot heare or determine the causes of Cleargymen alone*, *without associating the Elders*, *of the Church*, *or other adjoyning Bishops*, *with him*; for which *cause* † *many ancient Councels* decreed, *that there should be two Councels kept*, *in each Province every yeare*, *to heare and determine all Ecclesiasticall causes and controversies*. This text therefore prooves nothing for Timothies Ecclesiasticall or Episcopall Jurisdiction, *being written rather for the Churches*, *and Ministers future*, *then Timothies present instruction*, as [n] *Gerson*ius *Bucerus* rightly obserues. Finally learned [o] *Doctor Whitaker* hath long since assoyled this objection in these words: *That Timothy is commaunded not rashly to admit an accusation against an Elder*, *this prooves not that Timothy had power or dominion over Elders. For according to the Apostles minde*, *to receive an accusation*, *is to bring a crime to the Church*,

† *Concilium Antiochenū*, Can. 20. *Gratian.* Distinct. 18. *Conc. Aphricanum*, Can. 18. *Chalcedonense*, Can. 19. *Nicænū*. Can. 5. *Toletanum*, 3. can. 18. *Synodus Francica*, *Anno*, 742. *Conc. Meloense*, Can. 32. *with many more.*

[n] *Dissertatio de Guber. Eccleſiæ p.* 506. 507. 508.

[o] *Controv. 4. Quest. 1 c. 2. Sect. 16.*

Church, to bring the guilty person into Iudgement, openly to reproove, which not onely Superiors may doe, but also æquals and inferiors. In the Roman Republike Knights did judge not onely the people, but also the Senators, and Patricij. And certainly it seemes not that Timothy had such a Consistory or Court, as was afterwards appointed to Bishops in the Church. What this authority was, may be understood by that which followes; Those that sinne rebuke before all, which æquals also may doe. Thus Bishops heretofore, if any Elder or Bishop had an ill report, referred it to the Ecclesiasticall Senate or Synod, and condemned him, if hee seemed worthy by a publike judgement, that is, they did either suspend, excommunicate or remoove him. The Bishop condemned nocent Elders and Deacons, not with his owne authority alone, but with the judgement of the Church and Clergy. Those who where thus condemned, might lawfully appeale to the Metropolitan; but hee could not presently alone determine, what seemed good to him, but permitted the Synod to give sentence, and what the Synod decreed was ratified. The same answer Martyn Bucer, De vi & usu. S. Ministerij, Doctor Andrew Willet Synopsis Papismi. Cont. 5. Gen. Quest. 3. part. 3. in the Appendix, and Gersonius Bucerus De Gubernat. Eccleſiæ * pag. * Vide pag. 300. to 398. (where this objection is most fully cleared by 490. usque Councels, Fathers, and other authors testimonies) give unto 524. this place: so that it makes no proofe at all, that Timothy was a Bishop. So as from all these premises I may safely conclude, that Timothy was neither a Bishop, nor Bishop of Ephesus, nor first, nor sole Bishop of that See, as many overconfidently, and erroniously affirme.

Obj. 6. If any in the sixt place object, that † *diverse of the ancient Fathers, as Dionysius Areopagita, Hierome, Ambrose, Dorotheus, Theodoret, Chrysostome, Epiphanius, Eusebius, Gregorie the great, Policrates, Oecumenius, Primasius, Isidor Hispalensis, Beda, Anselme, Rabanus Maurus, with many moderne writers affirme Timothy to be Bishop and first Bishop of the Ephesians*, therefore hee was so.

† *See Gerso-nius Bucerus p.518.519. p Eccles.hist. l.3.c.4. as Meredith Hamner, a Bishop English-sheth it.*

Answ. 1. I answer first, that as some of these Fathers are spurious, and not to be credited, so many of their testimonies are ambiguous, if not contradictory. *p Eusebius* writes, *that Timothy IS REPORTED to be the first Bishop of Ephesus, and Titus of the Churches of Creta*: which is rather a deniall then an affirmation that hee was Bishop there in truth. * *Theodoret, and Beda* affirme him, to *be Bishop of all Asia, not of Ephesus onely, and so an Archbishop rather then a Bishop.* Their Testimonies therefore being so discrepant and dubious, are of no validity.

*In 1. Tim. 3.

† *See Doctor Raynolds conference, with Hart. p. 213.*

q Defensor Pacis, pars. 2.c. 16. Vlricus Velenus, Petrus non venisse Romam, neque illic passus est. r Senatus Consultus Franciæ contra abusus Paparum. 162. to 172.

Secondly, † *Many of the Fathers affirme Peter to have beene Bishop of Rome, and to have continued Bishop there for divers yeares*, yet *q Marsilius Patavinus, r Carolus Molinæus, with sundry ſ other late Protestant writers*, both forraigne and domestique, affirme, and substantially proove by Scripture and reasons; *that Peter was never at Rome, nor yet Bishop thereof.* As therefore their bare authorities are no sufficient argument, to proove Peter Bishop of Rome, so neither are they sufficient to evince Timothy Bishop of Ephesus.

ſ Doctor Raynolds conference with Hart. c. 6. Divis. 3. p. 210. to 218. Balæus in Act. Rom. Pontif. l. 1. Præfation. Christopher Carlile his S. Peters life and Peregrination, proving that Peter was never at Rome. R. Bernard his fabulous foundation of the Popedome.

Thirdly, These Fathers affirme not Timothy to be sole Bishop of Ephesus, or to be Diocæsan Bishop, or such a Bishop as is superior to a Presbyter in Jurisdiction or degree; the thing which ought to be prooved; and if they affirmed any such thing, yet seeing the fore-alleadged Scriptures contradict it in a most

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apparant maner, they are not to be credited againſt the Scriptures teſtimony.

Fourthly, The Fathers terme him Biſhop of Epheſus; not becauſe hee was any ſole Diocæſan domineering Biſhop there, as the objections pretend; but becauſe *hee was left by Paul to teach and inſtruct them for a ſpace, till hee returned from Macedonia*, and to order that Church together with the other Biſhops and Elders thereof; and being one of the eminenteſt Paſtors of that Church, next after Paul, who planted it, the Fathers terme him, *the Biſhop of Epheſus*, in that ſence onely as they ſtiled *Peter, Biſhop of Rome and Antioch, Iames Biſhop of Ieruſalem, Marke Biſhop of Alexandria, and the like*; (* *not that they were Biſhops properly ſo called*, or ſuch as ours are now, but onely in a large and generall appellation, becauſe *they firſt preached the Goſpell to ſuch Churches*) *to no other purpoſe, but to proove a perpetuall ſucceſſion of Presbyters, and doctrine in thoſe particular Churches, from the Apoſtles time till theirs*, naming the eminenteſt Miniſter, *for parts and gifts in each Church, the Biſhop of that Church*; all which appeares, *by* t *Irenæus*, u *Tertullian*, *and* x *others*; who call them Biſhops onely for this purpoſe, *to derive a Succeſſion of Miniſters, and doctrine from the Apoſtles*. Hee that would receive a larger anſwer to this objection, let him read *Gerſonius Bucerus, de Gubernatione Eccleſiæ, p.* 518. *to* 524. 436. *to* 441. 498. *uſque* 500. 538. 539. which will give him ample ſatisfaction.

* *Fox Acts and Monuments p.* 1465. *Gerſonius Bucerus De Gubernat. Eccl. p.* 432. *uſq.* 500. 519. 520. *to* 540.

t *Adverſ. Hæreſes. l.* 3. *c.* 2. 3. *l.* 4. *c.* 43. 44. 45.

u *De Præſcriptionibus adverſ. Hæreticos.*

x *Euſebius Eccleſ. Hiſt. l.* 5. *c.* 12. 22. *Fox Acts & Monuments p.* 1465.

Obj. 7. If any finally object, that *Paul deſired Timothy to abide ſtill at Epheſus when hee went into Macedonia*: 1, Tim. 1. 3. and that the Greeke verbe προσμένειν *ſignifies a conſtant reſidence, or abiding in one place*. Therefore Timothy was Biſhop of Epheſus: which if it be a ſolid Argument, prooves many of our Court Nonreſident Prelates and Miniſters, to be no Biſhops (becauſe they reſide and abide, not, muchleſſe preach and keepe hoſpitality on their Biſhoprickes,) rather then Timothy to be Diocæſan Biſhop of Epheſus.

Answ. 1. To this I answer, first, that the argument is a grosse inconsequent. For Timothy might abide thus at Ephesus as an Euangelist, as an Elder, as Paules assistant, or substitute onely; as an ordinary Minister, not as a Bishop; his abiding therefore at Ephesus is insufficient to constitute him a Diocæsan Bishop of that See.

Secondly, Paul and Titus ordained Elders in every Church to abide and continue, with their flockes : Acts. 14, 23. Tit. 1, 5, 7. yet the Opposites deny these Elders to be Diocæsan Bishops.

Thirdly, Every ordinary Minister is to reside and abide upon his Cure, Rom. 12, 7, 8. 1. Cor. 7, 20. Ier. 23, 1, 5. If this argument therefore where solid, every Minister should be a Diocæsan Bishop.

* *Acts.* 18. 18. 19. *Fourthly, Paul left* * *Aquila and Priscilla at Ephesus to abide there*; Will it therefore follow, that they where Diocæsan Bishops of the Ephesians? If not, then the argument is invalid.

Answ. 2. Secondly, I answer, *That Timothy was to abide at Ephesus onely for a season, till Paules returne out of Macedonia and no longer*, 1, Tim. 3. 14, 15, c. 4, 13, 14. *after which hee went with Paul from Macedonia into Asia to Troas*, Acts. 20. 4, 5. *and from thence to Italy, Philippi, and Rome*, Heb. 13, 23. Phil. 1, 1, c. 2. 19. Col. 1, 1. 2, Tim. 4. 9, 13. hee being never resident at Ephesus, (for ought appeares in Scripture or authentique story,) after Paules returne out of Macedonia. His abode therefore at Ephesus being but for so short a time, and hee so great a Nonresident from it afterward, cannot possibly argue him to be a Diocæsan Bishop of that Church.

Answ. 3. Thirdly, Greeke word προσμένειν, to abide, is oft *applyed in Scripture to a short abode, for a day or two, or some little space*, as well as to a perpetuall fixed residence; as Math. 15, 32.

32. Marke 8. 2. So it is in the objected text; where it is put only in opposition to Paules journey into Macedonia; in respect whereof Timothy continuing at Ephesus till his returne, might be truely said, *to abide there*, though after his returne hee removed thence to other Churches; as *Gerſonius Bucerus, De Gubernatione Eccleſiæ. p.*502. *to* 518, obſerves.

Anſw. 4. Fourthly, Paul did not injoyne, *but beſeech Timothy to abide at Epheſus*: therefore his residence there was but arbitrary at his owne pleasure, not coactive, not injoyned by vertue of any Episcopall office; this Text therefore cannot proove Timothy to be Bishop of Ephesus, no more then his stay at Corinth, and other places whether Paul sent him, proove him to be Bishop of those Churches.

Anſw. 5. Finally, Admit Timothy to be both the first and sole Bishop of Ephesus, which is false; yet this makes nothing for, but against our Hierarchicall and Diocæsan Bishops: *for Epheſus was but one City, one Pariſh, one Church, one flocke and Congregation*; as is evident by Acts. 20. 17, 28, 29, c. 18, 24, 25, 26, c. 19, 1. to 18, Ephes. 1, 1, c. 4, 4, 16, c. 6, 21, 22, 23. 1, Tim. 1, 3, c. 5, 17 to 23. Rev. 1, 20, c. 2. 1. So that the argument from this example is but this; Timothy was onely Bishop of one City, Pariſh, Church, Flock and Congregation, not of many: Therefore all Bishops ought to be so too, as well as hee. *Timothy no Diocæſan Biſhop of Epheſus.*

Obj. If any object, that the City of Ephesus was a Dioces; for it had *many Elders*, therefore many Parishes, and severall Congregations? Acts. 20, 17, 28. 1, Tim. 5. 17.

Anſw. 1. I answer, that the argument followes not; For first, in *the Apoſtles times, and in the primitive Church, every particular Church and Congregation had* * *many Elders, Miniſters, and Deacons in it, who did joyntly teach, and inſtruct it, and*

* *See Gerſonius Bucerus Diſſertatio De Gubern. Eccl. p.* 213. 246, 282. 302. 303. 304. 307. 308. 416. 417. 461. *accordingly.*

and likewise governe and order it by their common Counsell and consent; as is evident by Acts 1. 14. to 26. c. 2. 1. to 47. c. 3. 1. c. 4. 3. 8. 9. 20. 21. 23, 31. to 37. c. 5. 18. to 33. 42. c. 6. 1. to 9. c. 11. 29. 30. c. 14. 23. c. 15. 2. to 23. 25, 32. c. 20. 17. to 30. c. 21. 18. Phil. 1. 1. 1. Tim. 5. 4. to 14. c. 5. 17, Tit. 1. 5. 7. Jam. 5. 14. 1. Cor. 14. 23. to 33. *Ignatius Epist.* 5. 6, 8. 9. 10. 11. 13. 14. *Policarpus Epist. ad Philippenses*, *Irenæus contra Hæres.* l. 3. c. 2. l. 4. c. 43, 44. *Tertull. Adversus Gentes*, Apolog. c. 39. *Hieronymus*, *Sedulius*, *Chrysostomus*, *Primasius*, *Remigius*, *Haymo*, *Rabanus Maurus*, *Oecumenius*, *Theophylact*, *Anselmus*, *Petrus Lombardus*, and sundry others, *in their Commentaries, and expositions upon* Philip. 1. 1. 1. Tit. 5. Acts. 15. and 20. 17. 28. The *fourth Councell of Carthage*, Can. 22. 23. 24. 25. *The Councell of Aken, under Ludovicus Pius*, Can. 8. 10. 11. *The 12. Councell of Toledo*, Can. 4. and all writers generally accord.

Secondly, wee at this day, have many Prebends, Canons, and Ministers in every Cathedrall and Collegiate Church, yea in every Colledge in our Vniversities, and elsewhere; yet but one Church and Congregation.

Thirdly, We have in many other Churches in the Country where the Parishes are large, and there are divers Chappels of ease, many Curates and Ministers; yet but one Church, one Parish; not a Dioces; neither is the cheife Minister either a Bishop or Diocæsan, though hee have diverse Curates and Ministers under him, to assist him in his Ministery: yea in many places where there is but one Church, no such Chappels of ease, and the Parish great, we have severall Ministers, Lecturers, and Curates, in some 4, or 5, in most 2, or 3, yet no Dioces, no Bishopricke. Neither is this a Novelty, but an ancient constitution, not onely instituded by the Apostles, and continued ever since, but likewise enjoyned by the * *Councell of Oxford under Stephan Langhton Archbishop of Canterbury in the yeare of our Lord,* 1222.

* *Ioannes de Aten, Constit. provin. fol.* 122. *Lynd. provin. Constit. l.* 3. *Tit. De Parochiis. fol.* 134.

1222. which decreed ; *that in all Parish Churches, where the Parish is great, there should be 2, or 3, Presbyters at the least, according to the greatnes of the Parish, and the value of the Benefice; least that one onely Minister being sicke, or otherwise debilitated, Ecclesiasticall Benefits (which God forbid) should be either withdrawne, or denied to the Parishioners that were sicke, or willing to be present at divine offices.* The multitude or plurality therfore of the Elders in the Church of Ephesus, is no argument at all to proove, that is was a Dioces; or that Timothy was a Diocæsan Bishop, becaus hee had Ministers and Curates under him; for then our Deacons, Archdeacons, and Pluralists, who have many livings, Chappels, (and so many Curates and Ministers) under them, should be Diocæsan Bishops too by this reason.

Secondly, I answer, that admit there were divers Churches and Congregations in Ephesus, which is very improbable, *the greatest part of the Citizens being Idolaters, and the Citty itselfe a worshipper of the great Goddesse Diana, and of the Image which fell downe from Jupiter*, Acts. 19 21. to 41. yet it can not be prooved, that Timothy was cheife Bishop and Superintendent over all these Churches, but onely of one of them: as every Minister and Bishop of England is a Minister and Bishop of the Church of England, but not a Minister and Bishop in and over all the Curches of England, but in and over his owne Parish Church, and Dioces onely. For Paul himselfe (who planted that Church, and † *resided in it for three yeares space*, † Acts. 19. during which time it is like there was no Diocæsan Bishop of it 10.c.20.31 but himselfe) expresly cals the *Elders of the Church of Ephesus, Bishops and Overseers of that Church, and that by the Holy Ghostes owne institution*; and thereupon exhorts them, *to take heed to all the flocke; and to feed and rule that Church of God, which hee had purchased with his owne blood*, Acts. 20. 28. 1. Tim. 5. 17.

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Since therefore every one of these Elders by the Holy Ghostes institution, and Paules resolution was no other, but a *Bishop* over his owne flocke, (if severall,) both to instruct and rule it; it is certaine, that Timothy (if hee were a Bishop of Ephesus and there were many Churches there,) was onely Bishop of one of them, not of all; and so no Diocæsan Bishop, as our Prelates and their flatterers vainely pretend. Timothy therefore being neither a Bishop, nor first, sole, or any Bishop of Ephesus, or of any other place, or if a Bishop, no Diocæsan Bishop, but of one Church and congregation onely, as these premises evidence, all our Prelates inferences drawne from his example to proove their Episcopall Authority and Jurisdiction *Iure Divino*, (which for the most part hang upon his Episcopall rochet onely) fall quite to ground, and their Episcopall Authority together with it. I now proceed to the next Question (wherein I shall likewise discusse, *whether the power of ordination belongs onely to Bishops, not to Presbyters? And whether this Paradoxe of the Prelates be true, that ordainers are greater in Iurisdiction and degree then those that are ordained?*) to wit;

Quæstion. 2. *Whether Titus were ever Bishop, or Archbishop of Crete?*

What ever the common bruite and Error of these or former times conceive, under correction, I perswade my selfe, that Titus was no Bishop nor Archbishop of Crete: and that for these ensuing reasons.

First, because the Scripture never stiles him a Bishop; nor S. Paul, who often stiles him, *his partner and fellow-helper concerning the Corinthians*, (not Cretians;) *the Messenger of the Churches*, (not Bishop) *and the glory of Christ*, 2, Cor. 8, 23, 6, 16. his Sonne, Titus 1, 6, his *brother*, 2. Cor. 7. 6, 13, 14. never Bishop, as some would make him.

Secondly,

Secondly, Becauſe his *cheifeſt imployment was to the Church of Corinth, after that hee had been left by Paul in Creet, as Paules partner and fellow-helper in that Church*, 2. Cor. 2. 13. c. 7. 6. 13. c. 8. 6. 16. 23. c. 12, 18.

Thirdly, Becauſe hee *was Paules companion, attendant, partner, fellow-helper, Meſſenger, fixed to no ſetled place of reſidence*, as Biſhops were, 2. Cor. 2. 13. c. 7. 6. 13. c. 8. 6. 16. 23. c. 12. 18. Gal. 2, 1. 3. 2. Tim. 4. 10. *ſent by him from Rome, long after his being in Crete, into Dalmatia*, 2. Tim. 4. 10.

Fourthly, Becauſe Paul writes expreſly to him, Tit. 1. 5. not that hee ordained him Archbiſhop or Biſhop of Crete, but *that hee left him in Creet* (for a ſeaſon) *for this cauſe, that hee ſhould ſett in order, the things that were wanting, and ordaine Elders, in every Citty, as hee had appointed him*: Therefore was hee there onely as Paules Vicar generall, Commiſſary or ſubſtitute, to order thoſe things, *in ſuch ſort, as hee had appointed him*, which Paul could not diſpatch, whiles hee was reſiding, not as the Archbiſhop or Lord Biſhop of Creet, to order all things there, by his owne Epiſcopall Juriſdiction and authority as hee liſted himſelfe.

Fifthly, Hee expreſly charged him, *to come to him diligently, to Nicopolis when hee ſhould ſent Arthemas or Tychicus to him, for there hee intended to winter*, Tit. 3. 12. By which it is evident, that his ſtay in Creet by Paules appointement, was very ſhort, not above halfe a yeare, if ſo much; after which wee never read hee returned thither, though we finde, *hee was ſent to Corinth, and Dalmatia, that hee went up to Hieruſalem with Paul, and came to him during his impriſonment at Rome*, Gal. 2. 1. 3. 2. Cor. 2. 13. c. 7. 13. 14. c. 8. 6, 16. 23. c. 12. 8. 2. Tim. 4. 10. His ſhort abode therefore in Creet, without returning thither, prooves him to be no Biſhop.

Sixtly, Paul chargeth him, to bring *Zenas the Lawyer and and Apollos diligently on their way, that nothing might be wanting to them*, Tit. 3. 13. Now it is very unlikely, that an Archbishop or Bishop of Creete, *wherein were* * *90. walled Cities*, would stoope so low, as to waite thus upon a Lawyer, as *Zenas*, or a Disciple, as *Apollos* was, unlesse hee were far more Humble then any Archbishops or Prelates in these our times; who are commonly so insolently proud, as to disdaine all familiar conversations with Lawyers, or Ministers.

* *Homer. Odyss. 19.*

Seaventhly, Paul left Titus Bishop of no one Citty in Creete, and hee expresly enjoynes him, *to ordaine* (not one but many) *Elders* (in the plurall number) *in every Citty of Creete*, Tit. 1. 5. 7. where there were no lesse then 90. *walled Cities in Homerus time*; which Elders were no other but *Bishops*, and so tearmed by him v. 7. (*For a BISHOP must be blameless, &c.*) as *Hierom. Chrysostome, Ambrose, Theodoret, Sedulius, Primasius, Remigius, Beda, Raubanus Maurus, Bruno, Theophilact, Oecumenius, Anselme, Lyra, Hugo Cardinalis, Aquinas*, with other moderne Commentators on this text accord. If then Paul gives expresse directions to Titus, *to ordaine many Elders and Bishops in every Citty of Creete*, constituting him a Bishop in none of them, that we read of, (an apparant argument, that hee was no Bishop there, because hee had there no Bishops See at all, and was no sole Bishop of any one Citty:) it is not probable that hee constituted him sole Archbishop or Bishop of all Creet, (*which had* † *anciently no lesse then 4. Archbishops and 21. Bishops in it*,) *it being the Apostles practise to place many Bishops and Elders in one Church, but never one Bishop or Archbishop over many Churches*, Phil. 1. 1. Acts. 20. 28. Hence * *Athanasius, Chrysostome, Oecumenius and Theophilact* on Titus 1. 5. 7. write thus: *Here hee will have Bishops to be understood for Presbyters or Ministers, as we have elsewhere often said, neither verily would hee have the charge of the whole Iland to be permitted, or granted to one man, but that every one should have his owne proper cure & charge, allotted him: for hee knew that the labour & paines would be the lighter and that the people would be governed with*

† *Mercators Atlas in English, London. 1635. p. 812.*

* *Quoted by Doctor Barnes in his Workes. p. 210. See Gersonius Bucerus de Gubernat. Ecclesiæ. p. 520. 621*

greater

greater diligence, if that the Doctor or teacher should not be distracted with the government of many Churches, but should onely give himselfe to the government of one, and study to compose and adorne it with his maners. So also Peter Lombard, * Alphonsus de Castro, * Doctor Barnes, and others on, and from this text, determine.

* Adversus Hæreses. Tit. Episcopus. * p. 210.

Eightly, All generally ‡ accord, that Archbishops, yea Metropolitanes, BISHOPS themselves are not of divine or Apostolicall, but Papall and humane Constitution; witnesse Pope Nicolas apud Gratianum Distinct. 22. c. 1. Omnes sive Patriarchæ cujuslibet apicem, sive Metropolis primatus, aut Episcopatuum Cathedras, vel Ecclesiarum sive cujuscunque ordinis dignitatem *INSTITVIT ROMANA ECCLESIA. Which Pope Anacletus in his 3. Epist. c. 3. doth likewise averre, and Pope Lucius and Clement, in Gratian, Distinct. 80. affirme as much; informing us, that Archbishops and Primates are the Successors of the Hathenish Arch-Flamens, and to be placed onely in those Citties where the Arch-Flamens had their Sees: with which Peter Lombard accords, lib. 4. Distinct. 24. Hence our a Historians record of King Lucius, the first Christian Prince of this our Realme, that hee instituted 3. Archbishoprickes, and 25. Bishoprickes and Bishops, in stead of the 3. Arch-Flamens, and 25. Flamens, changing their Sees into Bishoprickes, and Archbishoprickes; by which it is evident, that Archbishops, Patriarkes, and Metropolitans (instituted onely at first by ‡ severall Counsells and Princes) are no divine or Apostolicall, but onely a humane institution; This all the Archbishops, Bishops and Clergy of England in their institution of a Christian man, dedicated to King Henry the 8. fol. 59. 60. resolve in these tearmes. IT IS OVT OF ALL DOVBT, that there is no mention made neither in Scripture, neither in the writings of any authenticall Doctor or Auctor of the Church being within the time of the Apostles, that Christ did ever make or institute any distinction or difference

‡ See Gerso-nius Bucerus, p. 233. 261. 398. usque 402. 556. Th. Cartwright 2. Reply to Whitgift, p. 404. to 616.

* See Anacleti Epist. 3. c. 3. Surius Concil. Tom. 1. p. 165.

a Galfridus Monumitensis. histor. l. 5. c. 19. Ponticus Verunnius Brit. hist. l. 4. p. 106. Polichron. l. 4. c. 16. f. 163. Antiquit. Eccles. Brit. p. 7. with sundry others.

‡ Surius Concil. Tom. 1 p. 140. 163. 165. 342. 505. 392. Tom. 2. p 1046. Tom. 3. p. 547. Socrates Eccles. Hist. l. 5. c. 8. Evagrius Eccl. Hist. l. 2. c. 18.

to be in the preeminence of power, order or Jurisdiction betweene the Apostles themselves, or betweene the Bishops themselves, but that they WERE ALL EQVALL IN POWER, AVTHORITY AND IVRISDICTION; *And that there is now and since the time of the Apostles any such diversity or difference among the Bishops,* IT WAS DEVISED BY THE ANCIENT FATHERS, *of the primitive Church, for the conservation of good order, and unity of the Catholike Church; and that, either by the consent and authority, or else at least* BY THE PERMISSION AND SVFFRANCE OF THE PRINCES AND CIVILL POWERS *for the time ruling. For the sayd Fathers, considering the great and infinite multitude of Christian men so largely increased through the world, and taking examples of the old Testament, thought it expedient to make an order of Degrees, to be among Bishops, and spirituall governours of the Church, and so ordained some to be Patriarkes, some to be Metropolitans, some to be* Archbishops, *some to be Bishops; and to them did limit severally (not onely) their certaine Dioceſſe and Provinces, wherein they should exercise their power and not exceed the same, but also certaine bounds and limits of their Jurisdiction and power; &c.* The same is averred by learned *Bishop Hooper*, in his *Exposition upon the* 23. *Psalme fol.* 40. who sayth, *that Archbishops were first ordained in Constantines time*, yea, * *Archbishop Whitgift* himselfe confesseth as much, *that Archbishops are neither of divine, or Apostolicall, but humane institution, since the*

* *In his Reply to Two. Cartwright. See Cartwright his second Reply against Whitgift Tract. 8. fol. 414. to 616.*

Apostles

Apostles times. And * Patricke Adamson Archbishop of S. Andrewes in Scotland, in his publike recantation, in the Synode of Fiffe in Scotland Anno 1591. professed sincerely, (ex animo) that Bishops and Ministers by Gods word were all equall and the very same; That the Hierarchy and superiority of Bishops over other Ministers, NVLLO NITITVR VERBI DEI FVNDAMENTO, had no foundation at all in the word of God; but was a meere humane Institution long after the Apostles times, from whence the Antichristian Papacie of the Bishop of Rome hath both its rise and progresse; and that for 500. yeares last past, it hath beene the cheifest instrument of persecuting and suppressing the truth and Saints of God in all Countries and Kingdomes, as all Histories manifest. Thus this Archbishop in his Palinody, disclaiming not onely Archbishops but ever Diocesan Bishops to be of divine, but onely of humane institution long after the Apostles, giving over his Archbishopricke thereupon, and living a poore dejected life. This being then granted on all hands, it is cleare, that Titus could not be Bishop of all Creete; for then hee should be an Archbishop, having divers Bishops under him, those Elders which hee placed in every Citty of Creete being no other but Bishops, Tit. 1. 7. as all acknowledge, and Archbishops were not instituted till after the Apostles and Titus dayes; For these reasons I conceive, that Titus was not Bishop of Creete, having no Episcopall or Archiepiscopall See there appointed to him; which learned d Gerson Bucerus hath at large manifested, to such who will take paines to peruse him.

* An. Melvini Petri Adamsoni Palinodia printed An. 1620.

d De Gubernat. Eccl. p. 233. to 238. 299. to 390. 394. 395. 396. 397. 490. to 423 580. 581.

Obj. 1. If any object 1. that the *Postscript of the Epistle to Titus*, stiles him, *Titus ordained the first Bishop of the Church of the Cretians*: Ergo hee was Bishop or Archbishop of Creete.

Answ. 1. I answer 1. that as *this and all other Postscripts, are* * *no part of the Scripture, or Epistles, as* † *Mr. Perkins Workes* proove at large, but an *addition of some private person since*, as is evident by the words themselves in the preter-imperfect tense and third person. *IT WAS WRITTEN TO TITVS, &c.* therefore no convincing authority: so this clause (*ordained the first Bishop of the Church of the Cretians*) is no part of the Postscript, but a late appendix to it, not found in any of the Coppies of this Epistle which the Fathers follow, in their Commentaries, in few or no ancient Greeke, Latine or English Coppies and Translations of this Epistle, in few or no Testaments or late Commentators: And had Titus been Bishop of Creete, it is like Paul would have given him this Title in the Epistle, (where hee stiles him, *Titus his owne Sonne after the Common faith. c. 1. v. 4.*) as well as in the Postscript; (which in truth is none of his, but some others, Perchance Oecumenius his addition, the first that mentions it, 1050. yeares after Christ) *since hee speakes of Bishops by name in that Epistle*, Tit. 1. 7. But of this, see more in the answere to the Postscript of Timothy.

* *David Dickson his short explanation on the Epistle to the Hebrewes. p. 332. 333.*

† *Master Perkins his Commentary on Gal. 6. p. 496. 497 498. 499.*

Secondly, I answer, that this Postscript is directly false; for it saith, *that this Epistle was written from Nicopolis of Macedonia.* Now it is cleare by the *12. verse of the third chapter of this very Epistle*, that Paul was not at Nicopolis when hee writ it, but at some other place; for hee writes thus to Titus, *When I shall send Artemas unto thee or Tychicus, be diligent to come unto me to Nicopolis, for THERE* (not here) *I have intended to winter.* Now had Paul then been at *Nicopolis*, hee would have written thus, for *here* (not *there*) *I have intended to winter*; *there* being ever spoken of a place from which we are absent, *here* only of a place present. The Postscript therfore being false as *Mr. Perkins workes* hence conclude, can be no part of Canoni-

* *Commentary on Gal. 6. Vol 2. p. 499.*

call

call ſcripture, no Epiſtle, none of Paules penning, but a meere ignorant Appendix of ſome ſcribe or cõmentator of after times, and ſo no ſolid proofe to manifeſt Titus Biſhop or Archbiſhop of Creete, ~~not~~ ſince Paul was not yet at Nicopolis when this Epiſtle was written.

Obj. 2. If they ſecondly obiect; *that Paul left Titus in Creete to ſet in order the things that were wanting*, Tit. 1. 5. Ergo hee was a Biſhop.

Anſw. 2. I anſwere, that this is a meere inconſequent; and I may argue in the like nature; Our Archbiſhops and Biſhops (eſpecially thoſe who turne Courtiers, Counſellers of State, and Nonreſidents,) leave † their Archdeacons, Chauncellers, Commiſſaries, Vicars generall, and Officialls, to viſit, order, correct thoſe Dioces, and to ſet in order theſe Ceremonies, Altars, Images, and Church ornaments, which were well wanting (now too much abounding) in them; Ergo Archdeacons, Chauncellers, Vicars generall, and Officials, are Archbiſhops and Biſhops of thoſe Dioces: The King ſends his Indges, Commiſſioners and under Officers to ſome Counties or Citties, to ſett Cauſes, Counties, people, Armes, Forts, Citties in good order, and to ſee defects in theſe ſupplied. Ergo Iudges, Commiſſioners and Officers are Kings: *Churchwardens ought by the Canons of 1571. and 1603. to ſett in order, and provide ſuch bookes, ornaments, and neceſſaries as are wanting in Pariſh Churches, and ſee them well repaired*: Ergo Churchwardens are Biſhops: For Titus was here left, *to ſett in order the things that were wanting*, AS PAVL HAD APPOINTED HIM; and no other wiſe, Tit. 1. 5. 6. 7. 8. 9. hee did all by his direction and authority, not his owne. There is nothing therefore in this, *of ordering things that were wanting in the Church of Creete*, which ſavours of Epiſcopall Iuriſdiction. And I may better argue hence, Titus did nothing at all in Creet but by Paules ſpeciall appointment and Cõmiſſion; Ergo hee was no Biſhop; or if a Biſhop: Ergo *Biſhops ſhould order nothing in their Biſhoprikes, nor keepe any viſitations, but*

† *Biſhop Latimers fourth Sermon of the plough, Fox Acts & Monuments, p. 119. 120.*

*but by speciall direction & Commission from the Apostles, * King, or State, authorizing them*; Then the Objectors conclude; Ergo, hee was a Bishop; and Bishops, Archbishops, (yea Archdeacons too without any speciall commission from the Apostles, King and State) may make and institute what orders, constitutions, Articles, and Ceremonies they please, as now they doe in their illegall Courts and visitations, kept in their owne names, without any Patent from the King

* So the Statutes of 25. H.8 c.29. 37. H.8.c. 17.27. H. 8 c.15.1.E. 6.c.2. 1.Eliz c.1,2.8. Eliz. c. 1. 25.H.8.c. 21.31.H. 8.c.9.14. 32.H.8.c. 15.16.2. H.5 c.1. 14.Eliz.c.5. expresly resolve. That the power of ordination of Ministers belongs not onely to Bishops.

Obj. 3. If any object in the third place, That *Titus was left to ordaine Elders in every Citty in Creete*; Tit. 1. 5. Ergo, hee was a Bishop: becaus none have power to ordaine Elders, but Bishops; since none ordained Elders in Creete but Titus, who was a Bishop.

Answ. 3. I answer first, that this is as bad a consequence as the former, and a meere circular argumentation: For first they will needs proove Titus a Bishop, because hee ordained Elders; and none but Bishops can ordaine Elders; and then next they proove, that none but Bishops can ordaine; because Titus forsooth was a Bishop, and hee onely did ordaine Elders in Creete. A meere Circle, and *Petitio Principij*: yet this is the Logicke of our great Rabbi Prelates.

Secondly, I answer, that this proposition whereon they ground themselves and their Prelacy, *that none have any right Iure divino to ordaine Elders or Ministers, but Bishops*; and that *quatenus Bishops too*, (which they must adde, or else their argument is unsound,) is a notorious falsehood, and meere sandy foundation; For first, not to remember *how Moses* a Civill Magistrate, *consecrated Aaron and his sonnes by Gods owne appointement*, Levit. 8. 5. to 32. Exod. 29. 9. 35.

First, The Apostles themselves were ordained Apostles and consecrated Ministers by Christ himselfe, Matth. 28. 19. 20. Mark.

Marke 16. 15. 16. Iohn. 20. 22. 23. 24. Acts. 1. 4. 5. Rom. 1. 5. 2. Cor. 3. 6. *To whom the power of ordination principally appertaines*, Ephes. 4. 11. 12. 1. Cor. 12. 28. Acts. 20. 28. 1. Pet. 1. 4.

Secondly, *The Apostles and Euangelists ordained Elders in every Church*, Acts. 14. 23. c. 19. 1. 6. 7. c. 7. 6. yet they *were properly no Bishops as e all learned men* acknowledge.

e Fox Acts & Monuments. p. 1465.

Thirdly, *The Disciples* (inferior to the Apostles and Euangelists as the objectors teach) *ordained Ministers and Elders too, though they were no such Bishops as the objectors mean.* Acts. 14. 1. 2. 3. c. 9. 10. to 22.

Fourthly, ‡ *Presbyters and ordinary Ministers ordained Elders and Ministers, yea Timothy himselfe was made a Minister by the imposition of the handes of the Presbytery*, 1. Tim. 4. 14. Thus did they in the primitive Church; this doe they still in our owne Church, as the *booke of ordination it selfe confirmed by* * *two Acts of Parliament*, *the 35. Canon*, and experience witnesse; this doe they in all the reformed Churches now, which should have no lawfull Ministers, and so no true Church, if the power of ordination were *Iure divino* appropriated onely to Bishops, and not common with them unto other Ministers.

‡ Acts. 13. 1. 2. 3.

* 3. Ed. 6. c. 32. 8. Eliz. c. 1.

Fiftly, Patriarkes, Metropolitanes, Archbishops and and Chorall Bishops (neither of which are properly Bishops in the objectors sence) ordaine Ministers: If then all these have ordained Elders and Ministers, though no Bishops, by sufficient divine Authority, (as the objectors cannot deny of the 4. first, and dare not contradict it in the last,) then it is most false; that the power of ordination *Iure divino* belongs onely to Bishops, as Bishops in the objectors sence; for then none of those 5. being not properly such Bishops, could lawfully have ordained Ministers or Presbyters, as they did and doe.

Thirdly, There is no one syllable in the Scripture to proove, that the power of ordination belongs onely to Bishops *quatenus* Bishops; neither is there any one example to warrant it. We read of Apostles, Euangelists, Disciples, Presbyters, that layd hands on others to ordaine them Ministers; but of Bishops, (I mean distinct from Presbyters,) we read not a word to this purpose, how then can this be true, that the power of ordination belongs onely to Bishops *quatenus* Bishops, *Jure divino*?

Fourthly, We read not a word to this purpose in Scripture of any Bishops distinct from, or superior, in order, degree and dignity to Presbyters; if therefore such Bishops themselves be not *Jure divino*, the power of ordination cannot belong to them *Jure divino*, the rather because we read of no man whom the Scripture cals a Bishop ordaining Ministers.

5. Admit there were such Bishops *Jure divino*; yet that the power of ordination belongs to them *Jure Divino quatenus* such Bishops, is most false, but onely *quatenus* they are Ministers: For it appertained to the Apostles, to the Euangelists, to Disciples and Presbyters *Iure divino*, though no such Bishops; and the objectors will acknowledge, that it belongs to Popes, Patriarkes, Metropolitans and Archbishops, though they neither were nor are properly such Bishops, and are no divine, but meere humane institutions; therefore it must appertaine unto them onely, as they are Ministers, (in which respect they all accord, and are not differenced one from another;) not *quatenus* Bishops; for then the Apostles, Euangelists, Disciples, Presbyters, Popes, Patriarkes, Metropolitanes, and Archbishops, being not properly such Bishops, could not lawfully ordaine. The power therefore of ordination belonging to the Apostles, Euangelists, Disciples, Presbyters and others as well as to Bishops, not to Bishops onely, or to them as Bishops, but as Ministers, (it being a g *meere Ministeriall act*, *inferior to preaching*,

g Gerſonius Bucerus, p. 33. 158. to 162. 262. 499. 500. 517. 518. 540. 622. 623. 318. to 367.

preaching, *administring the Sacrament and baptizing*, *as all acknowledge*) it can be no good evidence to proove Titus a Bishop. Now becauſe this power of ordination which our Prelates would Monopolize unto themſelves, is the maine pillar whereon they now ſuſpend their Epiſcopall Juriſdiction over ther Miniſters, I ſhall produce ſome humane authorities, to proove the right, the power of ordination and impoſition of hands to be by Gods Law common to Presbyters as well as to Biſhops; I ſhall beginne with Councells. The 4. *h Councell of Carthage*, *Can. 3.* about the yeare of our Lord 418. preſcribes this forme of ordination of Miniſters, *When a Miniſter is ordained*, *the Biſhop bleſſing him*, *and holding his hand upon his head*, *all the Presbyters or Miniſters likewiſe that are preſent*, *ſhall lay their hands upon his head by the Biſhops hand.* This Canon is incorporated by Gratian, *into the body of the Canon Law*, and hath been practiſed and put in ure in all ages ſince, till now; The *very Gloſſe on* * *Gratian*, yea and *k the Rhemiſts too*, *aſſuring us*, *that when a Preiſt is ordained*, *all the Preiſts ſtanding by*, *doe lay their hands upon him*; *neither is there any other forme of ordaining Miniſters*, *preſcribed in the Canon Law or Councels*, *but this alone*, which all Churches have obſerved, and yet retaine. Since therefore no Biſhop may or ought of himſelfe alone to ordaine Miniſters, without the aſſent and concurrence of the Clergy, people and others there preſent, as *l Gratian*, *m Illyricus*, *and n Gerſome Bucerus*, *proove at large*; and ſince *all Miniſters preſent ought joyne with the Biſhop in the impoſition of hands*, *in all ordinations of Miniſters*, *and haue ever uſually done it in all ages and Churches*; how this Prerogative of ordination ſhould be peculiar to Biſhops (who may not doe it without Miniſters concurrence, no more then Miniſters without theirs,) I cannot yet conjecture. True it is, that the *o Councell of Ancyra*, about the yeare of our Lord 308. *Can. 3.* ordained; *That Chorall Biſhops ſhould not ordaine Presbyters or Deacons*; *nor yet Presbyters of the City in another Pariſh*; *but when the Biſhop ſhould permit them by his*

h Surius Tom. 1. p. 513.
** Diſtinct. 23.*
k Notes on the 1. Tim. 4. 14.
l Diſtinct. 23.24.25.
m Appendix ad Catal. Teſtium Veritatis.
n Diſſertat. de Gubernat. Eccleſ. p. 318. to 367. 464. 465. 493. 498. 499. 524. See Canon. 35.
o Surius, Tom. 1. p. 296.

Letters; And the † *Councell of Antioch under Pope Iulius, Canon. 10.* decrees; *that Chorall Bishops should not ordaine Ministers and Deacons without the Bishops privity.* From whence I observe.

† *Surius Ibid. p. 403. 404*

First, That before these Councells restrained the power of Chorall Bishops and Presbyters, that they did and might lawfully ordaine Ministers and Deacons without the Bishops privity or assent.

Secondly, That by his assent and licence both the one and the other, without the Bishops presence, might lawfully ordaine Ministers and Deacons. These Councels therefore plainly resolve, that there is an inhærent right and power of ordination in Presbyters and Chorall Bishops, as they are Ministers, and that with the Bishops consent, and license they may lawfully execute it, and conferre Orders, therefore the right and power of ordination is not invested onely in Bishops, as they are Bishops, for then none else could ordaine but they alone. The forged *Constitutions of the Apostles*, fathered on *Pope* Clement*, prescribe; *That Presbyters and Deacons, may not ordaine other Preists and Deacons, but Bishops onely.* And the † *Councell of Hispalis or Spaw*, about the yeare *657. Canon. 5. 7. out of Pope Leo, Epist. 86.* decrees; *that Presbyters and Chorall Bishops, which are all one, should not presume to ordaine Preistes or Deacons, or to consecrate Altars or Churches; For in holy Writ, by Gods Commaund, † Moses onely erected the Altar in the Tabernacle of the Lord, hee onely annointed it, because hee was the High Preist, of God, as it is Written; * Moses and Aaron among his Preists. Therefore, that which was commaunded onely to the cheife Preists to doe, of whom Moses and Aaron were a Type, Presbyters who carry the figure of the sonnes of Aaron, may*

* *Constit. Apost. l. 3. c. 10. 11. 20.*

† *Surius Tom. 2. p. 719. & Tom. 1. p. 800.*

† *Exod. 40.*

* *Psal. 98.*

*may not presume to enchroach upon. For although they have in most things a common dispensation of Mysteries with Bishops, yet they must know that some things are notwithstanding prohibited them by the authority of the old Law, some things BY NEW ECCLESIASTICALL RVLES (or CANONS) as the CONSECRATION OF PRESBYTERS, DEACONS, and virgins; as also the Constitution, benediction, or unction of the Altar. Verily it is not lawfull for them to consecrate Churches or Altars, not to give the Holy Ghost the comforter by imposition of hands to the faithfull who are to be baptized, or to those, who are converted from heresie, nor to made Chrisme, nor to signe the forehead of those that are baptized with Chrisme, ‡ nor yet publikely to reconcile any penitent person in the Masse, nor to send formed Epistles to any. All these things are unlawfull to Presbyters or Chorall Bishops, because they have not Pontificatus apicem, the highest degree of the High Preist-hood, which by the AVTHORITY OF THE CANONS, is commaunded to be due onely to Bishops, that by this the distinction of the Degrees, and the Hight of the dignity of the High Preist, might be demonstrated. Neither shall it be lawfull for the Presbyters to enter into the Baptistery before the Bishops presence, not to baptize or signe an infant, the Bishop being present, nor to reconcile penitents without the Bishops commaund, nor to consecrate the Sacrament of the body and blood of Christ hee being present, nor in his presence to teach, or blesse, or salute the people, no nor yet to exhort them, all which things are knowne to be prohibited by the * See Apostolicke.* These two last authorities are the cheife that the Papists, Jesuites, and our Prelates insist on, to proove,

‡ See Concil. Carthag. 2. An. 428. c. 3. 4. Gratian. Causa. 20. quest. 6. Concil. Carthag. 3. c. 36. Gratian. Caus 16. quest. 6.

* Leo Epist. 86.

proove, that the power of ordination belongs onely to Bishops not to Presbyters.

But to remoove these twoo obstacles: consider. *First*, that there is not a word in either of these two Constitutions, that the power of ordination, belongs onely to Bishops by divine right and institution; or that Presbyters by Gods Law have no power to ordaine Ministers and Deacons, the thing onely in question.

Secondly, That the Councell expresly resolves, *that the power and right of ordination is prohibited Presbyters, and appropriated onely to Bishops, not by any Law of God*, or ancient Constitutions of the Apostles, or those who immediately succeeded them, *but onely by some Ecclesiasticall Canons and Constitutions then newly made*, and *by the authority onely of the See of Rome*; which cannot deprive Ministers of that power of ordination, which the Scripture and God himselfe hath given them.

Thirdly, That before these late Canons, and Constitutions, Presbyters might lawfully ordaine Ministers, and Deacons.

Fourthly, That the cheife reason why the power of ordination was taken from Ministers, and thus monopolized to Bishops, (even by their owne Constitutions, wherein they have ever favoured themselves,) *was onely to advance the power, authority, dignity, ambition and pride of the Pope and Prelates, and to distinguish them in degree and order from ordinary Ministers*, which of right are, and otherwise would be their equalls, both in Jurisdiction, power and degree.

Fiftly,

Fifily, That they bring not one syllable out of the new Testament to proove that the power of ordination belongs onely to Bishops, not to Ministers which they would have certainly done, had there beene any text to warrant it; but that all they alleadge is out of the old Testament; to wit, *that Moses onely consecrated the Tabernacle and the Altar; Ergo none but Bishops must consecrate Ministers, Altars, Churches.* A learned argument; ergo none but Kings, and temporall Magistrates, no not Bishops themselves, may doe it, had beene a better consequent. For Moses was no Preist, muchlesse a Bishop; or the High Preist, (which was [x] *Aarons office, not his, there being but* [y] *one High Preist, at once* and hee a [z] *type of our High Preist Christ*) but a civill Magistrate; yet God commaund him *a to consecrate Aaron with his Sonnes, the Tabernacle and Altar; and after* him, *b King Salomon* (not the High Preist) *consecrated the Temple, Altar, Court, and all the furniture of the Temple and Altar*: So that if these examples proove any thing, it is, but this: That the power of ordination, of consecrating Bishops, Ministers, Churches, Altars, &c. appertaines not to Archbishops, Bishops, Popes, Preistes, Ministers, but to thecheise temporall Magistrates. But admit that Moses were a Preist, and an High Preist, and that the power of consecrating Preistes, Temples, Altars appertained to him in that regard; yet this is no argument to proove, that the right and power of ordination should belong to Bishops onely; and that for these three reasons.

[x] *Exod.* 28. 1. *to* 43. c. 29. 5. *to* 45. c. 30. 7. 10. 30. *Heb.* 5. 4. 5. c. 7. 11.
[y] *Numb.* 25. 35.
[z] *Heb.* 4. 14. 15. c. 5. 1. *to* 11. c. 6. 20. c. 7. 20. *to* 28. c 8. 1. *to* 7. c. 9. 1. *to* 28 c. 10. 11 *to* 23.
[a] *Exod.* 29. 1. *to* 39. c. 30. 25, *to* 31 c. 40. 1. *to* 34.
[b] 1. *King* 8. 2. *Cron.* c. 6. 8.

First, because the *Aaronicall Preistlood was* [c] *utterly extinct and abolished by Christ, as meerely typicall and ceremoniall*; and so all the appurtenances thereunto belonging.
[c] *Heb.* 7. & 8. & 9. & 10.

Secondly,

Secondly, Becauſe the High Preiſt was no Emblem, type or reſemblance of Biſhops, which are many, changeable, mortall, *but* * *onely of Chriſt our true High Preiſt, who is but one, and remaines an High Preiſt for ever without ſucceſſion or change.* So that this alluſion prooves the power of ordaining Miniſters to belong originally *to none but* [d] *Chriſt, our* [e] *High Preiſt, cheife Shepheard, and* [f] *Biſhop of our ſoules*, as the [g] *Scripture expreſly reſolves*; and miniſterially, ſecondarily, to [h] *every Miniſter of Chriſt, as his Embaſſador, inſtrument, and Vicegerent.*

* *Auguſtin. Serm. 99. de tempore. Whitekar. Contr. 4. qu. 1. c. 2. Willet. Synopſis Papiſmi. Cont. 5. q. 3.*
d *Heb. 9. 14. 15. c. 5. 1. to 11. c. 6. 20. c. 7. & 8. & 9. & 10.*
e *Heb. 6. 20.*
f *Heb. 13. 20. 1. Pet. 5. 4.*
g *1. Pet. 2. 25.*
h *Math. 18. 1. &c. c. 28. 19. Mark. 16. 15 Iohn. 15. 16. 4. Epheſ. 8. 11. 12. 13. 1. Tim 4. 14. Acts. 13. 1. 2. 3.*

Thirdly, Becauſe the office and power of the High Preiſts and Biſhops are different, diſtinct, yea incompatible one with the other, and the maner of ordination, of Miniſters, and Deacons under the Law, different from that under the Goſpell, as the † *Scriptures*, and * all *Authors* joyntly witnes: *the one of them therefore can be no ſolid, or convincing argument to make good the authority Juriſdiction or practiſe of other.* So that this Councell and Conſtitution, makes nothing at all againſt the divine right and Title of Presbyters to ordaine, or for the Biſhops ſole Monopoly of impoſition of hands, by any divine charter from Chriſt or the Holy Ghoſt.

† *Exod. c. 29 & 30. & 40. compared with Acts 6. 1. to 8. c. 14. 23. c. 13. 1. 2. 3. Tit. 1. 5. 1. Tim. 4. 14.*

Finally, Neither of theſe Councells or Conſtitutions ſimply debarre Miniſters from the impoſition of hands on others together with the Biſhop, which they [k] *ever practiſed, and were authorized to doe, both by God himſelfe, and the fourth Councell of Carthage, Can. 3.* But from laying on

* *Gerſonius Bucerus de Gubernat. Eccleſ. p. 264. 265. 269. 291. 269. 308. 309. 446. 501. 502.* k *Acts. 13. 3. 1. Tim. 4. 14. The Rhemiſts with all late Commentators, Ibidem, and ſome ancient too.*

hands

hands and ordaining Ministers of themselves alone without the Bishop, who *cannot ordaine, or lay hands on any Ministers by vertue of these constitutions without them.* Since therfore the Bishop of himself alone cannot impose hands on any Minister withont their assistance or consent, nor they without the Bishops, it is apparant, that the right of ordination is not wholly and originally vested in the Bishop, by any divine or humane right; but in both. *The* † *Councell of Aquisgran or Aken, under Ludovicus Pius* An. 816. c. 8. out of *Isidor. Hispalensis De Ecclesiasticis Officiis l. 2. c. 7.* determines thus: *The dispensation of the Mysteries of God are committed to Presbyters as they are to Bishops, for they are over the Church of Christ, and are consorts with Bishops in the confection of the body and blood of Christ, and likewise also in the instruction of the people, and in the office of preaching; and onely the ordination and Consecration of Clerkes is reserved to the High Preist or Bishop, because of his authority, lest the discipline of the Church, challenged or exercised by many, should dissolve, concord and engender scandals; For Paul the Apostle cals Elders and Preists by the name of* Bishops, Tit. 1. 5. 7. Acts. 20. 28. Phil. 1. 1. 1. Tim. 3. *D. Rabanus Maurus De Instit. Clericorum, l. 1. c. 6.* writes thus; *That Presbyters although they be Preistes, yet they have not attained the top or Higheſt degree of Preisthood, because they cannot signe the fore-head with Chrisme, nor give the Holy Ghost; neither can they ordaine Clerkes in sacred orders, which is reserved to Bishops for unity and concords sake. The Epistle de 7. Gradibus Ecclesiæ in the neinth Tome of Ieromes workes, avers in* expresse tearmes; *that the ordination of Clerkes and consecration of Virgins was reserved onely to the High-Preist or Bishop for his greater honor. And Tertullian*

† *Surius Tom. 3 p. 299.*

de Baptismo c. 17. writes, *that the High Preist, who is the Bishop, hath the right of giving Baptisme, after him Presbyters and Deacons, yet not without the Bishops authority, for the honor of the Church*; By all which it is evident, that Bishops have not the sole executive power of ordination by any divine right or institution (of which there is not one sylable, either in these or other Councels or Fathers) but onely by Canons and humane Constitutions, made by Bishops themselves, to advance their owne honor, power and dignity; yet notwithstanding the right of ordination remaines still in Ministers; and belongs to Bishops, onely as they are Ministers by divine right, not as they are Bishops; as is evident by the *m 9. Chapter of the same Councell of Aken*, taken out of *Isidor. De Eccles. Officiis l. 2. c. 6.* where writing of Bishops ordination by imposition of hands, and the originall thereof, they use this expression, (which *n H. Rabanus Maurus*, likewise hath:) *But that Bishops are ordained by imposition of handes, A PRÆCESSORIBVS DEI SACERDOTIBVS, by the Preistes of God their predecessors, is an ancient constitution. For the holy* * *Patriarke Isaac laying his handes upon the head of Iacob, bleßed him, and* ‡ *Iacob in like maner gave a benediction to his sonnes: &c.* Where the Councell and Fathers both affirme; that even Bishops themselves are ordained by *Prieſtes or Presbyters* (not Bishops) *their predecessors*, therefore the right and power of ordaining Ministers (and Bishops too) belongs to Presbyters as well as Bishops, and to Bishops, onely as Presbyters, not Bishops; and so can no wayes advance them in Iurisdiction, order or degree above Ministers. The Popish *q Councell of Trent Sessio 23. De Sacramento ordinis c. 4.* determines *that Bishops are superior to Presbyters, and that they can conferre the Sacrament of Confirmation, ordaine Ministers of the Church, and doe many other things, which those inferior order have no power to doe. And Can. 7. De Sacramento Ordinis: If any shall say, that Bishops are not superior to Preistes, or that they have not the power of ordination, or confirmation, or that this power, which they*

m Surius Ib. p. 300.

n De Instit. Clericorum. l. 1. c. 4.

*Gen. 27. & 28.

‡ Gen. 48.

q Surius Tom. 4. p. 965.

they have, is common to them with Presbyters; or that the orders conferred by them without the consent or calling of the secular power are voyd, let him be Anathema: Loe here this Councell appropriates the power of ordination onely to Bishops, by denying it to be common to them with Ministers, and in this regard, makes Bishops superior in degree to Ministers; yet not by any divine right or institution, (of which there is not one word;) but onely by humane and Canonicall; (as the *r History of the Councell of Trent*, and *s Chemnitius well observe*:) For in the same *t Session de Reformatione, Can. 7. 8.* it enjoynes; *that according to the ancient Canons, when Ministers or Deacons are to be ordained; that the Bishop calling to him the Preistes and other prudent men skilfull of the divine Law, and exercised in Ecclesiasticall constitutions, should diligently enquire and examine before them the stocke, person, age, institution, maners, doctrine, and faith of those that were to be ordained; and that those orders, should be publikely conferred and celebrated in the Cathedrall Church; the Canons of the Church being called to, and present at it; or if in any other place, or Church of the Dioceſſe*, Præsenti Clero Loci, *the Clergy of the place being present.* *u Pope Anacletus*, and the *x Canon Law, having long before that time ordained; That Preists and Deacons should be ordained by their owne Bishop*; Ita ut Cives & Alij SACERDOTES assensum præbent; *So as the Citizens and other Preistes assented thereunto; which they usually did, and ought to doe*, as *Gratian* with *y others proove at large.* So that though this Councell, and the other Canons and Constitutions debarre Presbyters and Ministers from the act and exercise of ordination, (which yet they ever use, and practise as assistants to the Bishops, who can ordaine none but by their assent, since they ought to joyne with them in the imposition of hands,) yet they deprive them not of their inherent right, nor yet of the exercise of it as assistants to the Bishop, which they have ever used. I passe now from these

r Lib. 7.
s Examen Concil. Tridentini, pars 2. De Sacramento Ord.
t Ibid. p. 968.
u Epist. 2. c. 2. apud Surium. Tom. 1. p. 161. recited by Gratian. Distinct. 67.
x Gratian. Distinct. 61. 62. 63. 64. &c.
y Illyr. Catalogus Testium veritatis An. 1562. Appendix, p. 23. to 56. vera demonstratio, quod Electio Præsulum & Episcoporum non ad Ecclesiasticos solum, sed & ad Laicos, vocant, pertineat, quodq; hi hoc jure Electionum inde usque à Christi temporibus annis: 1500. usi sint.

Councels and Constitutions to the Fathers, who jumpe in judgment with them. It is true that z *S. Hierome*, a *Epiphanius*, * *Isidor Hispalensis*, c *Ambrose*, d *Augustine*, e *Leo*, and ‡ *others* affirme, that *Bishops onely in their time did use to ordaine Ministers and Deacons*; *and that Presbyters might doe all things that Bishops did, except the conferring of Orders, and some other trifling toyes, as consecrating of Altars, Churches, virgins, Chrisme, &c. not warranted by Gods word*; yet none of them determine, that the right and power of ordination belongs onely to Bishops, by divine institution and appointment; that Presbyters have no right at all, by the word of God to conferre Orders; or that they might not doe it in any case; but they expresly averre the contrary: For as they *did joyne with the Bishop in the imposition of hands*, as appeares by the *third Canon of the fourth Councell of Carthage*, forecited; so in S. *Ambrose his time, in Egypt, if the Bishop were absent, the Presbyters use to consigne and conferre Orders*; *as this* g *Father* testifieth: and h *S. Augustine* records, *That in Alexandria, and throughout all Ægypt, if the Bishop were wanting, the Presbyter did consecrate and give orders.* Hence *Aërius* (as i *Epiphanius* reports his words) reasoned in this maner: *What is a Bishop to a Presbyter? one differs nothing from the other; it is one order* (*saith hee*) *one honor, and one dignity.* Imponit manus Episcopus; * ITA ETIAM PRESBYTER: *The Bishop imposeth his hands, or ordaines Ministers; so likewise doth the Presbyter; The Bishop baptizeth, so also doth the Presbyter; The Bishop sitts in a throne; so also doth the Presbyter. And hee alleadged, that the Apostle saith to a Bishop:* k *Neglect not the gift that is in thee, which thou hast received by the laying on of the hands of the Presbytery*: *Epiphanius* there denieth not directly, that Presbyters then did use to ordaine; but demaunds, *how it is possible for a Presbyter to ordaine, not having imposition of hands in the election of Ministers, or to say that hee is equall with a Bishop.* A false and miserable shift: since all

z Epist. ad Evagrium. & in Tit. 1.
a Cont. hæres. l. 3. hær. 75.
b De Ecclesiasticis Officiis, l. 2. c. 7.
c In Ephes. 4. & 1 Tim. 4. 14
d Quæstiones ex utroque Testamento mixtim. quæst. 101.
e Epist. 86.
f Aquinas Supplementum Quæst. 38. Artic. 1.
g Ambros. in Ephes. 4.
h Quæstiones ex utroque Testamento mixtim. quæst. 101.
i Cont. Hæres. l. 3. Tom. 1. Hær. 75.
* See Cent. Magd. 3. De Ritibus circa vocationem & Ordinationē Col. 135.
k 1. Tim. 4. 14.

*Histo-

Histories, Fathers, Authors, Councels testifie, that in that age, Presbyters had alwayes their voyces in the Election, yea their hands in the ordination of Ministers and Deacons. S. Hierome in his Commentary on Zeph. c. 2. Tom. 5. p. 218. D. writes expresly: *SACERDOTES. and that Preists and Presbyters who give baptisme, and imprecate the Lords advent, to the Eucharist, make also the oyle of Chrisme, MANVS IMPONVNT, impose hands, instruct the catechumeny, LEVITAS ET ALIOS CONSTITVVNT SACERDOTES; ordaine Levites, and other Preists*: Therefore Presbyters in S. Hieronymus time ordained Ministers, Deacons, and layd on hands as well as Bishops. Yea * *Anastatius*, in the life of *Pope Pelagius the first*, recordes; *that this Pope An. Christi 555. for want of three Bishops to ordaine him; was ordained Pope, by John Bishop of Perusia and Bonus Bishop of Florence, and Andreas Presbyter de Hostia, and Andrew Elder or Minister of Hostia, which Luitprandius de Vitis Pontificum p. 84. and Albo Floriacensis in his life, p. 140.* likewise testifie: Loe here a Presbyter or ordinary Minister ordaining not onely another Elder, but a Bishop, yea a Pope; and supplying the place of a Bishop ‡ *the generall Councell of Nice. Can. 4. the first Councell of Arelat. Can. 21. the second Councell of Carthage, Can. 12. the third Councell of Carthage, Can. 19. the Councell of Aphricke, Can. 16. the Councell of Rhegium, An. 472. the Councell of Arausica, Can. 21. the Councell of Chalcedon, Act. 13. p. 187.* with sundry Popes Decrees, ordaining, *that no man shall be consecrated a Bishop, but by three Bishops at least and that a consecration made onely by two Bishops shall be voyd*; and so this Pope not lawfully ordained Pope, rules this Presbyter, supplyed the place of a Bishop, in his consecration and his

* *Appendix. catalogue Testium veritatis p. 23. to 56. Gersonius Bucerus De Gubernat. Eccl. p. 25. 130. 131. 318. usque 334. 346. usque 354. 360. 361. 362. 363. 364. 414. 609.*

* *De Vitis Pontificum p. 53.*

‡ *See Surius concil. Can. 1. p. 188. 161. 163. 341. 369. 376. 406. 502. 506. 574. Tom. 2 p. 187. 656. Tom. 1. p. 699. 718 467. Tom. 2 p. 264. 267 268. 272. 638. 731.*

his Ordination to be good and valid by the Law of God, though invalid and a meere nullity by the Canons * An. 1390. about *Wicklifs time there arose in England certaine bold Clerkes, who affirmed; that it was lawfull for them to make new Presbyters and Clerkes, and conferre orders, like Bishops: teaching likewise, that they were endued with the same power in Ecclesiasticall affaires as Bishops were, whereupon they layd hands on many, and ordained divers Ministers: who affirmed likewise, that they had equall and the selfesame Ecclesiasticall power with Bishops*: which was the constant Doctrine of Wicklife and the Waldensis which Doctrine of theirs was true, but their practise discommended, yet the Ministers thus ordained by them, their ordination held lawfull by Gods Law; yea and their ordination of others in those times in darknesse and persecution, when no Wickilvists, Lollards or other orthodox professors of the Gospel could be admitted into orders by the Bishops of that age, unlesse they would subscribe to their Popish assertions, as some of our Prelates now will admit none to receive orders, unlesse they will first, subscribe to such private positions and Ceremonies, as are directly contrary to the established Doctrine, and discipline of the Church of England; by meanes whereof many godly men are kept from the Ministery. And though *m Chrysostome, Primasius, Theodoret, Ambrose, Rabanus Maurus, Oecumenius, Theophilact, Haymo*, with some others, interpret that of the 1. Tim. 4. 14. *By the laying on of the hands of the Presbytery; to be meant either of Paul himselfe, or of the Senate of the Apostles, or of such who had Apostolicall authority, or of Bishops, and not of the bare Presbyters; because* (say they) *Presbyters*, (to wit according to the practise of their, though not of former times) *could not ordaine a Bishop, but onely Apostles, or Bishops*; yet none of them so much as once affirme, that they cannot by the Law of God ordaine Deacons & ordinary Ministers; or that they ought by Gods Law and divine institution to be ordained onely by Bishops: yea *n Theophilact*

* *Antiquit. Eccl. Britt. p.* 302.

m In 1. *Tim.* 4. 14.

n In 1. *Tim.* 4. 14.

on

on that text writes thus: *Behold a wonderfull thing; See how much the imposition* SACERDOTALIVM MANVVM, of *Sacerdotall or Preists hands can doe*; A cleare demonstration, that Preists as well as Bishops, and Bishops onely as they are Preists not Bishops, have power of laying on hands. And *o Theodoret*, thus glosseth the text, *here hee cals those the Presbytery who had attained Apostolicall grace; For*, saith hee, *divine Scripture hath called those who were honored in Israell, Elders.* The Fathers therefore confessing, that Presbyters and Elders might and did in some cases and places ordaine, and consecrate Ministers without the Bishop, and likewise joyne with the Bishop, (in all places) in the imposition of hands; grant that the right of ordination and imposing hands, belongeth to them by the word of God, as well as to Bishops; the rather, because this is the constant doctrine of the *p Fathers*, that *Bishops and Presbyters, by Gods Law and institution, are both one and the same, and so continued till long after the Apostles times*; Therefore their power of ordination, the same with theirs. Neither doe the Papists dissent from this: *q Aquinas* writes; That *the imposition of hands belongs onely to those who are the Ministers of Christ: which was double, one which was made by Deacons, the other by Ministers*; and because hee adds not the third by Bishops; hee plainly intimates, that the ordination made by Ministers and Bishops, is one and the same, and that Bishops ordaine onely as Bishops, not as Ministers. *r Cajetan* on that text saith, *That Paul relates, that the imposition of hands* SACERDOTALIS OFFICII, *is a part of the Sacerdotall or Preists office*, (not the Bishops) and *Faber in* 1. Tim. 4. 14. writes, that *Presbyters did use to lay their hands on the heads of those who were to be ordained, purged, or made compleate Ministers, powring forth holy prayers.* I know indeed that *ſ Aquinas* and *other Schoolemen hold, that it belongs onely to Bishops to conferre holy orders; yet hee and* * *Durandus grant, that this is not by vertue of any divine right, or institution, but onely by humane Constitutions and Canons, by reason of the more excel-*

o In 1. *Tim.* 4. 14.

p Ambrose in Ephes. 4. *&* 1. *Tim.* 3. *Hierome, Sedulius, Theodoret, Primasius, Rabanus Maurus, Remigius, Oecumenius, Theophilactus, Alselmus, Beda, Bruno &c. in Phil.* 1. 1. 1. *Tim.* 3. *Tit.* 1. 5. 7. *Acts.* 20. 17 28.

q In 1. *Tim.* 4. 14. *Lect.* 3.

r In 1. *Tim.* 4. 14.

ſ Supplementum Quæst. 38. *Arti.* 1. * *In* 4. *Sent. Dist.* 24. *quæst.* 1. 6.

lent

lent power and Jurisdiction that the Bishop hath over and above Ministers, and for order sake; yea they both affirme; *that Presbyters doe, and ought to joyne with the Bishop in the imposition of hands in the ordination of Ministers. The Rhemists in their annotations on the* 1. Tim. 4. 14. confesse; *that when a Preist is ordained, the rest of the Preists and Elders present, doe together with the Bishop, even at this day among them, (and have anciently used heretofore) to lay hands on those that are to be ordained*; citing the *fourth Councell of Carthage: Can. 3. for proofe thereof.* And the *u Canonists*, with some *x Schoolemen*, grant, *that Preists and Ministers by the Popes dispensation and License, may without a Bishops concurrent, ordaine Deacons and Ministers; but a meere Layman, or one that is no Minister, cannot doe it.* A cleare proofe, that the imposition of hands appertained to Presbyters as well as Bishops, and that the power of ordination rests more in the Ministers person, then in the Popes grant or License; else why might not a Lay man as well as a Minister, grant Orders by vertue of the Popes License, or why should Ministers joyne with Bishops in the imposition of hands? But to passe from these to the reformed Churches beyond the Seas. We know that most of them have no Bishops; that all their Ministers and Deacons are ordained by the Common election of the people and Magistrates, and imposition of the Senate or Colledge of Ministers hands; yet none of our Prelates have beene so impudently shamelesse, as to deny their ordination and Ministers to be lawfull, or their practise to be dissonant from the Scriptures, or them to be true Churches. What their writers have determined concerning the power of ordination, incident to Ministers as well as Bishops, and to Bishops onely as Ministers, and servants to the Church, not Lords, these ensuing passages will declare: *y Ioannes Lukawitz* in his *Confession of the Saborites against Rokenzana, c. 13. of the Sacrament of order*, writes thus: *They confesse, that the conferring of Orders onely by Bishops, and that they have more effectuall authority of his nature then other Ministers, is not from*

u Summa Angelica Ordo Sect. 13. and Innocentius there cited.

x Filiuc. Iesuita De Casibus Consc. pars 1. Tract. 9. c. 5.

y Lydij Waldensia p. 23.

any

any faith or authority of the Scriptures, Sed ex consuetudine habetur Ecclesiæ, *but from the Custome of the Church.* This being the *constant doctrine of the* z *Waldenses and Toborites, that the power of giving orders, and imposing handes, belonged to Presbyters as well as* Bishops; *and that Bishops and Ministers by Gods Law where both one; and no* Bishop *greater then any Presbyter in honor, or Iurisdiction.* a *Melanchton* writes, *That if* Bishops *and Ordinaries are enemies of the Church, or will not give orders, yet the Churches retaine their right; For whereſoevrr there is a Church, there is a right of administring the Gospell; wherefore there is a necessity that the Church should retaine the right of calling, electing and ordaining Ministers.* And *this right is a guift given to the Church, which no humane authority can take from the Church; as Paul witnesseth in the fourth of the Ephesians, where hee saith, When hee ascended upon High, hee gave guifts unto men; and hee reckons Doctors and Pastors among the proper guifts of the Church, and adds, that such are given for the Worke of the Ministery, for the edifying of the body of Christ, where therefore there is a true Church, there must needs be a right of Electing and ordaining Ministers. One thing hath made a difference of* Bishops *and Pastors, to wit, ordination, because it is instituted that one* Bishop *might ordaine in many Churches; but seeing that by Gods Law there are not divers degrees of a Bishop and Pastor, it is evident, that an ordination made by a Pastor in his Church, is ratified by Gods Law. Marsilius Patavinus in his Defensoris Pacis, pars 2. c. 15. 17. affirmes: that the power of ordaining Ministers belongs not to Preists and Bishops, but to the Magistrates and people, where hee is to be a Minister. That every Preist*

z *Fox Acts & Monuments p. 210. Catal. Testium Veritatis tit. Waldenses p. 445.*

a *Argument. & Respons. pars 7. De potestat. Episc. Arg. 2.*

by divine authority, may conferre all Sacraments, and give orders, as well as any Bishop; and that every Preists hath power to ordaine and promote any beleever that is willing to the Preisthood, hee preparing him Ministerially, but God simply and immediately impressing the Sacerdotall power or character; the originall property of ordaining Ministers being onely in Christ, the head of the Church. † *Hyperius* thus seconds him: *The imposition of hands in the election of a Bishop, or Deacon to approove the person to the multitude or people, was made by THE ELDERS, in whom this authority rested, whence it is here added,* with the laying on of hands by the authority of the Preisthood, *or as it is more significantly and plainely expressed in the Greeke, with the laying on of* the hands of the Presbytery, which *signifieth the whole Congregation of Elders. And they agreed, that hee* who was elected by the Consent of many, *should be commended and approoved as a fitt person, by this externall signe.* *Which is thus backed by* * *Hemingius.* The *imposition of the hands of the Presbytery, is the right of ordination, which the SENATE (or Eldership) of the Church, or other Ministers of the Gospell did administer.* † *Tezelius* thus jumpes in Iudgement with them: *Heretofore the authority of ordination was granted to Bishops at least by a humane institution, yet so that the suffrages of the Church might not be excluded from the Election of Ministers, and that the other Presbyters should be present at the examination, and lay their hands together on him, that was to be ordained: For so Gratian Can. Presbyter. Distinct. 23. when a Presbyter is ordained, the Bishop blessing him, and holding his hand upon his head, all the Presbyters like-*

† *In 1. Tim. 5. 14.*

* *In 1. Tim. 4. 14.*

† *Argum. & Resp. pars 7. De Ordin. Minist. in Argum. 1.*

likewese that are present, shall hold their hands upon his head close to the Bishops hands: Which tended to this purpose, that the Presbyters likewise might retaine the right of consecrating, or ordaining to themselves, and that so they might manifest, that whatever the Bishop should doe, that hee did it not in his owne name alone, but in the name of all. † *Musculus* Harpes on the same string thus. *It must plainely be confessed, that the Ministers of Christ heretofore were elected, the people being present and consenting, and they were ordained and confirmed OF THE ELDERS, by the laying on of hands.* This *forme of electing Ministers is Apostolicall and lawfull;* which hee there prooves at large:

† Loci Com. De Minist. Verbi Dei.

The *Noble* * *Mornay, Lord of Tlessis*, sings the same tune in these wordes: These *things being thus prooved, we adde, that the right of laying on of hands, and ordaining Ministers, is in the power of the Presbyters. And this verily concerning the Apostles dayes is more apparent, then that it can be so much as doubted of: For saith Paul to Timothy*, Neglect not the gift that is in thee by the laying on of the hands of the Presbytery, *that is, of the Presbyters or Elders. Moreover Timothy himselfe ordained Elders, and since a Bishop and a Presbyter are names of one and the same function; if the Bishops challenge this right to themselves from the Scriptures, the Presbyters also may doe the same: but if they deny it to Presbyters, in this very thing they abrogate this right to themselves.*

* De Eccles. Cap. 11.

And verily this was a good forme of argument in the Church in Ancient times. † Hee can baptise, hee can consecrate and administer the Sacrament of the Lords body, (which are the greater an more honourable Actions, because Sacraments of undoubted truth, of Higheſt note and uſe,) Therefore hee may lay on hands. (which is leſſe;) Now in ordaining Elders, the Biſhop laying his hands on the head of thoſe that were to be ordained, the reſt of the Elders likewiſe did lay on their hands, as appeares out of many places of the Decrees. The † Centurie writers informe us, That in the Apoſtles time, the Apoſtles did not aſſume to themſelves the power of electing and ordaining Elders and Deacons, but they had the ſuffrage and conſent of the whole Church; and that they, and the other Miniſters of the Church with them, did ordaine and lay hands on them; which they proove by Acts. 6. and 13. and 14. and 19. and 1. Tim. 4. 14. And in the 2. and third Century following, c. 6. they affirme, that Biſhops and Miniſters were thus elected and ordained, the Elders as well as the Biſhops laying their hands on them. The * Confeſſion of Saxonie c. 12. reſolves expreſly; that it belongs to the Miniſters of the Word to ordaine Miniſters lawfully elected and called. The † Synod of Petrocomia, Artic. 6. (in Poland) decreed: That no Patron ſhould receive or admit any Miniſter to teach in his Church, unleſſe hee were lawfully ordained and ſent by the Superintendents, and the Elders, and had a good and certaine teſtimoniall from them; and the Synod of Wlodiſlania Artic. 8. and 12. determines thus: The ordination and miſſion of Miniſters into certaine places to worke in the Lords vineyard, is committed to the Superintendents, and to the Miniſters and Elders their Colleagues;

(not

‡ Magiſt. Sentent. l. 4 c. 25.

† Cent. 1. l. 2 c. 6. Ritus vocationis & Ordinationis Col. 502.

* Harmon. Confeſſ. pars 2.

† See Gerſonius Bucerus De Gubern. Eccl. p. 618.

(not to Bishops:) *Georgius Major* in his *Enar. in Philip.* 1. 1. writes thus: *That there is no difference betweene a Bishop and a Presbyter, Paul witnesseth in the* 1. Tim. 4. 14. *where hee saith:* Neglect not the grace that is in thee &c. by the laying on the hands of the Presbytery; *that is, of the Order or Colledge of the Presbyters, by which it is shewed, that Timothy was called and ordained to his Episcopall function by the Presbyters. Therefore at that time* PRESBYTERS HAD THE RIGHT OF ORDINATION, *as well as Bishops, neither was there any difference betweene them.* To these I might adde, *Master John Calvin, Piscator, Marlorat,* and most other Protestant Commentators on the 1. Tim. 4. 14. *Zanchius De statu peccati & Legal. in quartum Præceptum, Chemnitius Loc. Com. pars 3. De Eccles. c. 4. and Examen Concilij Tridentini pars 2. De Sacram. Ordinis, pag. 224. 225. &c.* (where hee prooves at large,) *that the election and vocation of Ministers belongs to the whole Church, to the people as well as the Clergy; that the imposition of hands belongs to Presbyters as well as Bishops. Wherefore the Apostle saith,* 1. Tim. 4. 14. *that Timothy had a grace and a guift by the imposition of hands, neither saith hee onely of my hands, but hee addes also of the Presbytery, that there should be thought no difference, whether any one were ordained either by the Apostles, or by the Elders.*) *Antonius Sadeel, Respons. ad Repetita Turriani Sophism. pars* 2. *Locus* 12. *Beza de diversis Ministrorum Gradibus. Iunius Contr.* 5. *l. c.* 3. *n.* 3. *Chamierus Paustratia Cathol. Tom.* 2. *de Oecum. Pontif. c.* 6. with sundry ‡ other writers of the reformed Churches, who averre and proove against the Papists, and Iesuites; *that the power of election and ordination*

‡ *Presbytery & Episcopi sunt Iure divino pares, id est, administrant idem officium, eodem modo, & eadem auctoritate, Vnde Presbyteri impositionis manuum in pastoribus ordinandis jus habent.* 1. Tim. 4. 14. *Can. Presbyter. Distinct.* 23. *Sir Amandus Polanus Syntagm. Theol. l.* 7. *c.* 11.

tion of Ministers by the word of God, belonges to the whole Church and Congregation, and the imposition of hands to Ministers, Elders, and Presbyters as well as to Bishops, and to Bishops onely, as they are Ministers. But hee that hath handeled and prooved this most largely and fully of all others, is *Gersonius Bucerus de Gubernatione Ecclesiæ* (being an answer to *Bishop Downhams Sermon of Bishops*) *p.* 261. 262. 283. 287. 292. 294. 299. 310. 318. *to* 367. 464. 465. 493. 498. 499. 524. 618. where this point is so learnedly and substantially prooved by Scripture, reason, and Authors of all sorts, that none, which read these passages of his, can ever hereafter call this into question more.

Having runne thus long abroade, I now in the last place returne to our owne Church and writers. *The Booke of ordination of Ministers*, ratified *by two severall Acts of* Parliament, namely *3. Ed. 6. c. 12. and 8. Eliz. c. 1. and subscribed to by all our Prelates and Ministers*, † *by vertue of the 36. Canon as containing nothing in it contrary to the Word of God, expresly orders*, that *When Ministers are ordained*; ALL THE MINISTERS PRESENT AT THE ORDINATION SHALL LAY THEIR HANDS TOGETHER WITH THE BISHOP ON THOSE THAT ARE TO BE ORDAINED: And *the 35. Can.* made in Convocation by the Bishops and Clergy *An.* 1603. prescribes, that *the Bishop before hee admit any person to holy Orders, shall diligently examine him in the presence of those Ministers that shall* ASSIST HIM AT THE IMPOSITION OF HANDS. *And if the said Bishop have any lawfull impediment, hee shall cause the sayd Ministers carefully to examine every such*

† *Canons* 1603. 36. 37.

such person so to be ordered. Provided that they who shall assist the Bishop in examining AND LAYING ON OF HANDS, *shall be of his Cathedrall Church, if they may be conveniently had, or other sufficient preachers of the same Dioceſſe, to the number of three at the leaſt.* And according to this Booke of Ordination and Canon, when ever any Miniſters are ordained, all the Miniſters there preſent joyne with and aſſiſt the Biſhop in layng on of hands, on every one that is ordained. So that both by the eſtabliſhed Doctrine and practiſe of the Church of England, the power of laying on hands, and right of ordination, is common to every of our Miniſters, as well as to our Biſhops; who as they cannot ordaine or lay hands on any without the Biſhop, ſo the Biſhop can ordaine or lay hands on no Miniſters without them; ſo that the power and right of ordination reſts equally in them both. With what face or ſhadowe then of truth our Prelates now can or dare to Monopolize this priviledge to themſelves alone, againſt this Booke of Ordination, their owne Canons, ſubſcriptions, yea their owne and their Predeceſſors common practiſe to the contrary (which perchance their overgreat imployments in temporall buſineſſes & ſecular ſtate affaires, have cauſed them wholly to forgett, at leaſt not to conſider:) let the indifferent judge. But to paſſe from them to ſome of our learned writers: *Alcuvinus De Divinis Officiis c. 37.* writes; *that Biſhops, Preſbyters, and Deacons were anciently, and in his time too,* * *elected by the Clergy and people, and that they were preſent at their Ordination and conſenting to it. That the Biſhops conſecration in his dayes uſed in the Church of Rome, wherein two Biſhops held the Goſpell or New Teſtament over the head of the Biſhop conſecrated, and a third uttered the bleſsing, after which the other Biſhops preſent layde their hands on his*

See Biſhop Iewels Reply to Harding. Artic. 4. Diviſ. 25. Euſebius Eccleſ. Hiſt. l. 3. c. 11. l. 6. c. 29. l. 3. l. 7. c. 3. Socr. Eccleſ. Hiſt. l. 2. c. 6. l. 5. c. 7. 8. 9. 15. c. 7. c. 3. 12. 26. 28. 29. 34. 35. 36. 45. l. 4. c. 6. Euagrius Eccleſ. Hiſt. l. 2. c. 8. 11. l. 3. c. 11. 12. l. 4. c. 6. 36. Gratian Diſtinct. 63. 79. Appendix ad Catalogum Teſt. Veritatis.

his head, was but a Novelty, not found in the old or new Testament, nor in the Roman tradition. And then hee prooves out of Hieroms Epistle to Evagrius, and his Commentary on the first to Titus, that the ancient consecration of Bishops, was nothing else but their election and inthronization by the Elders, who chose out one of their company for a Bishop, and placed him in a higher seat then the rest, and called him a Bishop, without further Ceremony; just as an Army makes a Generall, or as if the Deacons should choose one from among them and call him an Archdeacon, having no other consecration but such as the other Deacons had, being advaunced above others onely by the Election of his fellow-brethren, without other solemnity.

By which it is plaine, that in the primitive Church, Presbyters did not onely ordaine Presbyters and Deacons, before there were any Bishops elected and instituted; but likewise, that after Bishops were instituted, they ordained and consecrated Bishops (as well as Elders and Deacons,) and that the sole ordination and consecration of Bishops in the Primitive and purest times, was nothing but the Presbyters bare election and inthronization of them without more solemnity; So that the other Rites and Ceremonies now used, are but Novelties. *Anselme Archbishop of Canterbury* on the 1. Tim. 4. 14. expounds these words, *with the laying on of hands of the Presbytery in this maner*, Hee *cals that the laying on of hands which was made in his ordination; which imposition of hands was in the Presbytery, because that by this imposition of hands, hee received an Eldership, that is, a Bishopricke. For a Bishop is oftentimes called a Presbyter by the Apostle, and a Presbyter a Bishop.* (which in his *Commentary* on the *third Chapter*, *on* Phil. 1.1. Tit. 1. 5. 7. *hee prooves to be but one and the same in the Apostles time and in the Primitive Church.*) So that by his resolution the imposition of hands and power of ordaining Elders and Bishops,

hops, belongs to Presbyters as well as to Bishops. Our English Apostle *m John Wickliffe*, and his Coætanean *n Richard Fitzralphe*, otherwise called *Richardus Armachanus Archbishop and Primate of Ardmagh in Ireland*; if we beleeve either *their owne writings*, or *o Thomas Walden*, who recites their opinions, arguments; and takes a great deale of paines (though in vaine) to refute them: affirmed and taught:

First, that in the defect of Bishops, any one that was but a meere Preist, was sufficient to administer any Sacrament or Sacramentals whatsoever either found in Scripture, or added since.

Secondly, That one who was but a meere Preist might ordaine another, and that hee, who was ordained onely by a simple Preist, ought not to doubt of his Presbytership, or to be ordained againe, so as hee rightly performed his clericall office, becaufe the ordination comes from God, who supplies all defects.

Thirdly, That meere Preists may ordaine Preists, Deacons and Bishops too; even as the inferior Preists among the Jewes did ordaine and consecrate the High Preist, as Bishops consecrate Archbishops, and the Cardinals the Pope.

Fourthly, That the power of order is equall, and the same in Bishops and Preists; and that by their very ordination they have power given them by Christ to administer all Sacraments alike; therefore to conferre orders and confirme children, which is the lesse, as well as to baptise, administer the Sacrament of the Lords Supper and preach the Gospell, which is the greater.

Fiftly, That Christ sitting in heaven hath given the power of consecrating and ordaining Preists and Deacons, of Confirmation, and all other things, which Bishops now challenge to themselves, to just Presbyters; and that these things were but of late times, even above 300. yeares after Christ, reserved

m Wicklif. De 4. Sectis Novellis c. 8. De Papa. c. 11.

n Richardus Armachanus. Ad Quæst. Armenorum. l. 11. c. 1. to 8.

o Waldnsis Cont. Wicl. Tome 3. c. 60 61 62. 63. & Tom. 1. l 2. Artic. 3. c. 57.

and appropriated to Bishops onely by their owne Canons and Constitutions, to increase their Cæsarian Pompe and pride. And * *Waldensis* himselfe (who undertakes to refute these propositions) saith expresly: *That no man hitherto hath denied, that God in an urgent case of necessity gave the power of ordination to any one that is but a meere Preist, to wit, in the want or defect of Bishops.* All the *Archbishops, Bishops, Archdeacons and Clergy of England* in their Booke, intituled *The institution of a Christian man, subscribed with all their hands, and dedicated to King Henry the 8. An. 1537. Chapter of Orders*, and *King Henry the 8. himselfe in his Booke stiled, A necessary erudition for any Christian man*, set out *by authority of the Statute, of 32. H. 8. c. 26. approoved by the Lords Spirituall and Temporall, and Netherhowse of Parliament, prefaced with the Kings owne Royall Epistle*, and published *by his speciall commaund* in the yeare 1543. in the *chapter of Orders*; expresly resolve, *that Preists and Bishops by Gods Law are one and the same, and that the power of ordination and excommunication belongs equally to them both.* Learned *Martin Bucer* in his *Booke of recalling and bringing into use againe the lawfull ordination of Ministers, and of the office of Pastors*, in his *Scripta Anglicana*, written here in England, *p.* 254. 255. 259. 291. 292. 293. *and on* Math. 16. layes downe these Conclusions.

* *Tom.* 3. *c.* 36, *Sect.* 1.

First, That the power of ordination rests principally and originally in Christ himselfe Prince of Pastors.

Secondly, That this power is secondarily and derivately in the whole Church, whose consent is requisite in the election and ordination of Ministers.

Thirdly, That the actuall power of Ordination and imposition of hands belongs as well to Presbyters as to Bishops, that they ought to joyne with the Bishop in the laying on hands; and that Timothy was ordained by the Presbyters.

Fourthly,

Fourthly, That Bishops and Ministers have the power of imposition of hands in them onely instrumentally not originally as servants to the whole Congregation.

Fiftly, That the examination and ordination of Ministers ought to be made publikely in the Church where they are elected to be Ministers, before all the Congregation, *All which he prooves by sundry Scriptures and Histories.* *Peter Martyr* his coætanian, (*Regius professor in the university of Oxford, in the dayes of King Edward the 6.*) in his *Commentary upon the 2. Kings. 2. 23.* and in his *Common places*, printed at London, *Cum Privilegio, An. 1576. Class. 4. Loc. 1. Sect. 23. p. 849.* writes thus: *The Papists cannot object grievous sinnes against the Ministers of the Gospell, but they oppose onely some slight, that I say not ridiculous thinge: they say that our Pastors have no imposition of hands, and thence they indeavour to conclude, that they are not to be reputed just Governours of the Church; and that the Congregations which are taught and governed by them, are no true Churches, but Conventicles of revolters. And this they say, as if the imposition of hands were so necessary, that without it there can be no ministry in the Church; when notwithstanding Moses consecrated Aaron his Brother and his Children, offering divers kindes of Sacrifices, on which no man formerly had layd on hands. Likewese Iohn the Baptist brought in a new right of Baptisme, and administred it to the Iewes, when as yet no hands had beene layd upon him, and hee himselfe had beene baptised of no man. Paul also called by Christ in his journey, did not presently goe to the Apostles that they might lay hands upon him, but hee taught in Arabia for 3. yeares space, and ministred to the Churches, before that hee went up to the Apostles his Antecessors, as himselfe witnesseth in his Epistle to the Galathians. We reject not the imposition of hands, but retaine it in many Churches; which if we receive not from their Bishops, we are not to be blamed for it, for they would not conferre it on us, unlesse wee would depart from sound Doctrine, and likewise bind our selves by Oath to the Roman Antichrist.* In which words hee resolves:

First, That the imposition of hands is no such essentiall part of a Ministers ordination, but that it may be omitted; and that those who are elected and lawfully called to the Ministery by the suffrage of the whole Church and people, are Ministers lawfully called and ordained without this Ceremony.

Secondly, That the imposition of hands belongs to Ministers, as well as Bishops; and that those who are ordained Ministers in the reformed Churches, where they have no Bishops, onely by the laying on of hands of other Ministers, are lawfully ordained.

Thirdly, That this position, that the power of ordination belongs onely to Bishops, that those are no true Ministers who are ordained without a Bishop, is but a vaine ridiculous Popish Cavill. Our Prelates therefore should be ashamed to ground both their owne, and Titus his Episcopall Hierarchie upon it: Learned * *Doctor Whitaker*, writing against *Bellarmine*, saith; *that this text of the* 1. Tim. 4. 14. *makes very much against the adversaries; For from this place wee understand, that Timothy, receiveth imposition of hands from the Elders, who at that time governed the Church by a common Councell; and against* † *Duræus*, hee argues thus; *Luther, Zwinglius, Oecolampadius, Bucer and others were Presbyters; and Presbyters by Gods Law are the same with Bishops; therefore they might lawfully ordaine other Presbyters; Doctor Fulke in his Confutation of the Rhemish Testament: Annot. on Tit. 1. Sect. 2.* and *Doctor Willet in his Synopsis Papismi, the 5. generall Controversie quæst. 3. part. 2.* write thus, *Although in the Scripture a Bishop and an Elder is of one order and authority in preaching the word, &c. yet in government by ancient use of speech, hee is onely called a Bishop, which is in the Scripture called cheife in governement, to whom the ordination or consecration by imposition of hands was allwayes principally committed. Not that imposition of hands belongeth onely to him, for the rest of the Elders that were present at ordination did lay on their hands, or else the Bishop did lay on his*

hands

* *Controv. 2. quæst. 5. c. 5.*

† *Contra Duræum l. 9. Sect. 55.*

hands in the name of the rest. We differ from the Papists in this; They affirme; that not principally and cheifly, but solely and wholly the right of consecrating and giving Orders appertaineth unto Bishops. But concerning the power of giving Orders we say; that though it were cheifly in the Apostles, yet the Pastors and Elders together with them layd on their hands, Acts. 13. 3. 4. and as S. Paul speaketh of his laying on of hands, 2. Tim. 1. 6. so hee maketh mention of imposition of hands by the Eldership, 1. Tim. 4. 14. And the Rhemists on that place mislike not the practise of their Church, that their Preists doe lay on their hands together with the Bishop upon his head that is to be ordained. What else doth this signifie, but that they have some interest in ordaining together with the Bishop? The 4. Councell of Carthage Can. 3. Decrees thus: Let all the Preists that are present, hold their hands next to the Bishops hand, upon the head of him that is to be ordained. Againe Can. 14. of the same Councell: The Bishop must not give orders, but in the presence and assembly of the Clergy. By this then it is manifest, that imposition of hands doth not wholly and soly belong to the Bishops, seeing the rest of the Elders were wont to lay on their hands likewise, or the Bishop in the name of the rest. So that the Elders were not excluded. Doctor Feild in his 5. Booke of the Church, c. 27. is of the same opinion; where hee prooves out of Durandus and other Papists, that the power of consecration and order is not greater in Bishops then in any other Ministers; that the power of ordination was reserved to Bishops, not by any divine, but humane Constitutions onely, rather for to honor the Bishops preistly place, then for that it might not be done by any other, and for the avoyding of confusion and schisme in the Church: Concluding, that in cases of necessity; as when Bishops are extinguished by death; or fallen into hæresie, or obstinately refuse to ordaine men to preach the Word and Gospell of Christ sincerely, and the like, then Ministers onely may ordaine other Ministers, without any Bishops assistance. And Master Cartwright in his Confutation of the Rhemish Testament, on the 1. Tim. 1. 14. Sect. 18. and on Tit. 1. Sect. 2. proves, both by the Rhemists owne

practise and Confession, by the 4. Councell of Carthage, cited by them, and the History of Eradius his ordination, who succeeded Augustine, to which sixe Elders, as well as two Bishops were called, and by the text of Timothy itselfe, that the imposition of hands belongs to Elders as well as Bishops, which hee manifests to be one and the same by divine institution. Finally, acute and learned *Doctor Ames* in his *Bellarminus Enervatus Tom. 2. l. 3. c. 2.* of the *vocation and ordination of Ministers, Sect. 4. &c. De Ordinatione,* Concludes thus against *Bellarmine*, who affirmes, *that the ordination, vocation, and election of Bishops and other Ministers of the Church belongeth onely to Bishops.*

First, That it cannot belong *Iure Divino* to Popish Bishops, superior to Presbyters in degree, because they themselves are onely, *vel juris, vel injuriæ humanæ*, of humane right, or rather injurie, not of divine institution.

Secondly, That the very act of ordination belongs to divine Bishops, that is, to Presbyters, in a Church well ordered.

Thirdly, That as to the right force and vertue which it hath in constituting the Minister of the Church, it alwayes appertaines to the whole Church; as the celebration of Matrimony receives all its force and vertue from the consent of the parties married.

Fourthly, That in corrupted and collapsed State of the Church, the Ministery and Order failing; the very act of ordination, so farre forth as it is necessary to the constitution of a Minister, may in such a case be lawfully executed by the people.

Fiftly, That the Act of ordination is attributed to Presbyters, 1. Tim. 4. 14. And that the Apostles themselves did not ordaine ordinary Ministers, but by the concurrence and consent of the people, Acts. 14. 23.

Sixtly,

Sixtly, That in the primitive Church, which was governed by the common Counsell of the Presbyters, before there were any Bishops, the very first Bishops were not ordained by Bishops, which then were not, but by Ministers.

Seaventhly, That all the Councels, Degrees and Testimonies of Fathers objected to the contrary, proove nothing else, but that the Act and Right of Ordination partly by Custome, and partly by humane Decrees, was given to the cheife Presbyter or Bishop after the Apostles time, not belonging to them by any divine right.

Eightly, That the imposition of hands is not absolutely necessary to the essence of a Pastor, no more then a Coronation to the essence of a King, or the celebration of a mariage, to the essence of a mariage.

Ninthly, That the power of Ordination, according to the Schoolemen and Canonists, is not an Act of Iurisdiction, but of simple office, which Presbyters may performe without any Commaund or Iurisdiction.

Tenthly, That the Papists themselves teach, that baptisme conferred by any Christian, though a lay man or woman; is good by reason of the necessity of it, that a simple Presbyter by the common consent of the Popish Doctors, may administer the Sacrament of Confirmation, or conferre any of the greater Orders, and that all the Pontificians teach with unanimous consent, that a Bishop once consecrated, although hee be a Simoniack, Heretick, excommunicate person or the like, may yet firmely ordaine others. Therefore a *fortiori* Godly Presbyters, or the people and Church of Christ, may lawfully conferre orders without the helpe or concurrence of a Bishop. Which authority of his ought not to be slighted as Schismaticall or Erronious, it being consonant to the Doctrine both of our owne and other Protestant writers, Churches; *and this booke of his printed*

by

by Authority, in the universitie of Oxford, no longer since, *then Anno 1629.* It is evident then by this whole cloud of witnesses (to omit others) that the power and right of ordination and imposition of hands, (which sayth * *Gratian, is nothing else but a prayer over a man; and as* † *Aquinas writes, signifieth only the conferring of grace, which is given by Christ; and not that Ministers,* (not Bishops, who are here but Ministers) *give this grace, ; and so as proper for Ministers as Bishops both by divine and humane right and practise*) belongs to Presbyters and ordinary Ministers as well as Bishops; therefore Bishops cannot be paramount Presbyters and ordinary Ministers in order and Iurisdiction, in this regard; neither will this power of ordination proove Timothy or Titus Bishops, as they now vainely surmise. Hence therefore I retort the objection in this maner against the opposites.

*Manus impositio quid est aliud quàm oratio super hominem? Caus. 1. qu. 1. c. Manus. Ambr. in 1. Tim. 4.

†In 1. Tim. 4. Lect. 3.

See Gersonius Bucerus De Gubern. Eccl. p. 337.

That power or authority which is common by divine right and institution to Ministers and Presbyters as well as Bishops, can neither proove Timothy or Titus to be Bishops, or Bishops to be superior to Presbyters or Ministers in Jurisdiction, order, dignity or degree, *Iure divino or humano.*

But the power of authority of ordaining Presbyters, Ministers, and Deacons, is such; as the premises undeniably evidence.

Therefore it can neither proove Timothy or Titus to be Bishops, nor Bishops to be superior to Presbyters, or Ministers in Iurisdiction, order, dignity or degree, *Iure divino* or *humano.*

Sixtly, S: Paul, in the 1. Tim. 3. and Titus 1. 6. &c. *makes*

makes a particular enumeration and recitall both of the qualifications, and offices of a Bishop; But among all these, hee speakes not a word concerning the power of act of ordination; neither doth hee make it a part of a Bishops qualification or duty to be apt and able discreetly to conferre orders, as hee doth particularly require, *hee* * *should be apt to teach*: How therefore this should be a cheife property, or principall quality of a Bishop, I cannot yet conjecture, since the Scripture makes it none, but rather a *property, an act of the Presbytery*, 1. Tim. 4. 14. Acts. 13. 3. 4. I shall desire Bishops therefore, to produce some divine Charter or other for this pretended Monopolize of ordination, which they would ingrosse unto themselves alone (perchance to make the more advantage by it, it ‡ *being a sweet and pleasant gaine as some handle it now*,) before they lay any further Title thereunto, even as they are Diocæsan Bishops.

* 1. Tim. 3. 2.

‡ *Lindewoods Constit. Provinc. l. 3. de Censibus. cap. Sena. f. 160. 161.*

Seaventhly, I must informe our Bishops for their learning, that *An. 31. H. 8. in the Patent Rolls part. 4. King Henry the 8. granted a Patent to all the Archbishops, and Bishops of England, to enable them to consecrate Churches, Chapples, and Churchyards, by vertue of his Speciall Patents and Commissions under his great Seale first obtained*; without which they could not doe it, *and that all the Bishops in King Edward the 6. time, had Speciall clauses in their Letters Patents, authorizing them to ordaine and constitute Ministers and Deacons, as Bishop Ponets, Bishop Scoryes, Bishop Coverdales, Patents 5. Edw. 6. pars 1. & 2.* with others in his Raigne, testifie at large. *Neither doe or can our Archbishops or Bps. at this day consecrate any Bishop or Archbishop, unlesse they have the Kings owne* * *Letters Patents, authorizing and commaunding them to doe it*, as the *Patents* directed to them upon every Bishops consecration and experience witnesse. It seemes therefore that their power to consecrate Churches, Chapples, Churchyards, Ministers, and Bishops, belongs not to them as they are Bishops, and that it is meerly humane not divine, since they claime and execute it *onely by*

* *See Wests Presidents: Warranti Sect. 574.*

vertue

vertue of the Kings Letters Patents; therefore it cannot advance them above Presbyters, by any divine right.

Eightly, All accord, *that in cases of necessity, when or where Bishops are wanting, or when there are none but Simoniacall or Hereticall Bishops, who refuse to ordaine such as are Orthodoxe, or will not subscribe to their heresies, there Presbyters and ordinary Ministers may lawfully conferre orders, confirme, and doe other Acts, which Bishops usually ingrosse to themselves; so Ambrose, Augustine, Richardus Armachanus, Wicliffe, Thomas Waldensis, Feild, Ames*, with others in their forequoted places, and generally all divines resolve without dispute. Yea that learned *Morney Lord of Plessis, in his Booke De Ecclesia. c. 11.* * *Amesius*, with sundry others affirme, *that the people alone in case of necessity where there are no Bishops nor Ministers, may lawfully elect and ordaine Ministers, as well as baptise and preach* (both which ‡ *Papists*, and * *Protestants affirme*, *that Laymen may lawfully doe in cases of necessity*) *the right of ordination and election of Ministers being originally in the whole Church and people, Ministerially onely in Bishops and Ministers as servants to the Congregation, and the imposition of hands no essentiall, but a ceremoniall part of ordination, which may be sufficiently made without it*, as *Angelus de Clavasio, Peter Martyr*, and others, both Papists and Protestants, affirme. But when *Paul left Titus in Crete*, ‡ *to set in order the things that were wanting, and to ordaine Elders in every City*, there where present no other Bishops or Elders to ordaine Ministers, (as is likely) but Titus onely; for we read of none else but Titus then in Creete, (which was then but newly converted to the faith;) and hee is enjoyned, *to ordaine Elders in every City*; which prooves there were none there before, for what need then of any, yea of *many others* to be newly *ordained*, and that *in every City*? Titus his example of ordination therefore in this exigent and necessity in a Church then newly planted, is no argument to proove him a Diocæsan Bishop; since other *ordinary Ministers* might ordaine in such a case, as all acknowledge, *yea and the people too, without either Minister or Bishop to assist them.*

Nintkly,

* Bellarminus Ener. Tom. 2. l. 3. c. 2.

‡ Summa Angelica, Baptismus 5. Sect. 12. Concil. Carthag. 4. Can. 39. 99. Gratian. Distinct. 23. cap. Mulier.

* Fox Acts & Monuments 1610. p. 465. 485. 501. 599. 1015. 1016. 1795. 1796.

‡ Tit. 1. 5.

Ninthly, I answer, that it is most evident, that Titus did not ordaine Elders in every City, by vertue of any Episcopall inherent Iurisdiction of his owne, but as Paules Substitute, who *appointed him to doe it, and prescribed him what maner of persons hee should ordaine* : Tit. 1. 5. 6. 7. 8. 9. This therefore cannot proove Titus to be a Bishop; or that the sole right of ordination is appropriated unto Bishops, as Bishops, but rather the contrary.

Lastly, Admit, that the power of ordaining Presbyters belonged only to Bishops *Iure Divino*; yet is no good consequent; Ergo, they are superior to Presbyters in order and degree *Iure Divino*; since the conferring of orders, (an * *act of service, of Ministry onely, not of Authority, and no more then an externall complement or Ceremony*) is *farre* ‡ *inferior to the authority of preaching, baptising, consecrating, and administring the Sacrament, which every Minister may doe as well as a Bishop.* The Bishops and Ministers in the primitive Church had * *many of them the gift of tongues, of prophecy, of healing and working miracles*, which some Bishops, then and all now want; yet these extraordinary endowments made them not superior in Iurisdiction, order, or degree to those Bishops who then wanted those gifts, or to ours now, who take farre more state upon them, then those Bishops did. d *Many Bishops there are and have beene that could not, at least would not preach, though Bellarmine himselfe*, yea the * *Councell of Trent*, and f *all men acknowledge, that it is the cheifest, and most honourable part of their Episcopall function, as making them Christs Ambassadors* : Are they then inferior in order, dignity, power, and degree to Bishops, yea to Ministers, Vicars, and poore Curates who are both able and willing to preach ? That which makes any man superior in order Iurisdiction, or dignity to his equall, must be an authority superior to that which his equall hath, not the accession of any inferior dignity or power. The making of an Earle, a Knight, or Country-Iustice, addes nothing to his former honour in point of

* *Amesius, Bellarminus Enervatus Tom. 2. l. 3 c. 2. & other forequoted.*
‡ *See Gerso nius Bucer. de Gubernat Eccles. p. 33. 158. to 162. 261. 262. 499. 500. 517.*
* *1. Cor. 12. 9. 10. Acts 10. 46.*
d *Marsilius Patavinus Defenc. Pacis pars 2 c. 20. 24. Fox Acts and Monum. p. 1153. Bishop Latymers Serm. of the plough.*
Nicolaus de Clemangiis de corrupto Eccles. statu. c. 14. 15. 16. Avent. Annal. Bojorum. l. 6. Proœmio.
* *De Cleric. c. 4.*
f *Thomas Becons Catechisme. f. 499. 500 Eccles. p. 33.*

The Institution of a christian man: Ch. of orders, Gerson. Bucerus De Gub. 158, *usque* 162, 261. 162. 499. 500. 517. 518. 540. 622. 623.

superiority or precedency. If a Bishop be presented to an ordinary benefice, prebendary or Deanery, (*as* * *some are and have beene by way of Commendam.*) it accumulates nought to his Episcopall authority, being inferior to the power of the Keyes, preaching and administring the Sacraments, which every enjoyes *Iure divino*, as absolutely as any Archbishop or Bishop, can no wayes advaunce Bishops in Iurisdiction or degree above Presbyters and ordinary Ministers, no more then the Bishop of *Durham his being a* † *Count Palatine, with his large temporall Jurisdiction, farre exceeding that of all our Archbishops and Bishops*, advaunceth him in order or degree above them all. So that this grand objection to proove Titus a Bishop; yea a Bishop superior in Jurisdiction, order, and degree to Ministers; is both false and idle.

* *See Godwins Catalogue of Bishops. p.70. 72. 1114.123. 143. 164. 185.214. 220.247. 249.275. 345.382. 422. 436. 448.484. 501.502. 568.569. 570. 571. 572.620. 621.622. 630.*

† *Godwins Catalogue of Bishops. p.644. 657 660. Brooke County Palatine 14. 15. 16. 18. 19. 24.*

Obj. 4. If any object, *that it is a received maxime in the Schooles,* ‡ *that hee which ordaines is greater then hee who is ordained;* and that the Apostle saith, *that the lesser is blessed of the greater*: Therefore Titus, and so likewise Bishops, who ordaine Ministers in point of Jurisdiction, order, dignity and degree.

‡ *Bellarmin. De Clericis l. 3. quest. 2.*

Answ. 1. I answer; *First*, that this objection takes that for granted which I formerly refuted and evidenced to be a falsehood; to wit, that the power of ordination belongs onely to Bishops, not to Presbyters; and so is build on a false sandy foundation.

Secondly, I answer; that this proposition, hee that ordaineth or consecrateth Ministers is greater in Iurisdiction, power, order, or degree, then the parties consecrated and ordaineth; is a notorious dotage and untruth, broached at first by * *Epiphanius*, to confute *Aërius his orthodox opinion, of the parity of Bishops and Presbyters*; and since that taken up at second hand by ‡ *Bellarmine, and other Iesuites*, the * *Councell of*

* *Contra hæreses l. 3. Tom. 1. Hær. 75. Col. 759. 760.*

‡ *De Clericis. l. 3. Quæst. 2.*

* *Sessio 23. De Sacramento Ordinis cap. 3. & Canon. 7.*

Trent,

Trent, ‡ *Bishop Downham*, with other Patriots of the Popes and Prelates Monarchy; and last of all (like Coleworts twice sodde) usurped by *all our Prelates in their high Commission at Lambeth in their Censure of Doctor Bastwicke*, who laid the whole weight and burthen of their Episcopall superiority and precedency over other Ministers, upon this rotten counterfeit Pillar, unable any wayes to support it, as these ensuing demonstrations will evidence at large bejond all contradiction.

‡ *His Sermon Aprill 17. An. 1608. in this defence of the honorable Function of Bishops; and his defence of that Sermon since.*

For first of all we know, o *that Cardinals and Bishops at this day, (as the people and Clergy, yea the Emperor heretofore) doe elect and consecrate the Pope*; yet they are not greater in order, dignity, power or Iurisdiction then the Pope, but inferior, and hee farre superior to them in all these. We p read, *that Metropolitanes, Patriarkes, Primates and Archbishops are created, consecrated and installed by ordinary Bishops, as the* * *Archbishops of Canterburry and Yorke, have oftentimes beene by the Bishops of London, Rochester, Winchester, Salisbury, and the like*: yet are they not greater in dignity, power, authority, place, or order then they, but subordinate and subject to them whom they thus ordaine, in every of these. We know by dayly experience that one Bishop consecrates and ordaines another, and hee a second, and that second a third; yet all of them are of equall power, and Iurisdiction, not different or distinct in order or degree; and sometimes the last of the three in respect of his Bishopricke, takes *precedency of the rest, that ordained him, as the* ‡ *Bishops of London, Durham, and Winchester doe here with us, and other* Bishops in the like in forraigne parts. So *some* * *Ministers joyne with the Bishop in the ordination and laying of hands on others*, yet one of them is not superior in Iurisdiction, order, or degree to the other; Now were this our Prelates objected Paradoxe true; the Cardinals should be greater in order, power, and degree, then the Popes, the Bishops, then Patriarkes, Metropolitanes, Primates, and Archbishops; one Bishop, one Minister then another; yea there should be so many different degrees, among Bishops and Ministers, as there are succes-

o *Gratian Distinct. 79.63.*

p *Gratian Distinct. 79.63.*

* *See Antiquitates Ecclesiæ Brit. Godwins Catalogue of the Archbishops of Canterbury and Yorke, Malmesbury De Gestis Pontificum Angliæ, with Mason his Consecration of Bishops; and the booke of consecration of Bps.* ‡ *31. H. 8. c. 10.*

* *The booke of Ordination of Ministers: & Can. 35.*

succeſſive ſubordinate ordinations; which is both falſe and abſurd. *S. Hierom in his Epiſtle to Evagrius and on Titus*, 1. with *Alcuvinus, De Divinis Officiis c. 37.* affirme, *that in the primitive Church Biſhops were both Elected and conſecrated by Preſbyters; and the Scripture is expreſſe, that both Paul and Timothy were ordained by the Preſbytery*: Acts 13. 3. 4. 1. Tim. 4. 14. If the Biſhops reaſon then be orthodoxe; it followes inevitably, that in the Apoſtles times, and the primitive Church Preſbyters were ſuperior in Iuriſdiction, order and Degree to Biſhops, yea to Paul and Timothy, the one an Apoſtle, the other an Euangeliſt; and not Biſhops, Lords paramount over them, as they now pretend; and then farewell their Hierarchy which they ſo much contend for. The *Archbiſhop of Canterbury* (who ſtood much upon this argument at *Doctor Baſtwicks* Cenſure) both *crowned our Soveraigne Lord King Charles*, and *baptiſed* his ſonne *Prince Charles*; will hee therefore conclude, that hee is greater in power, authority, place, and Iuriſdiction then they? The * *Archbiſhops of Canterbury, have uſually crowned and baptized the Kings of England, and the Archbiſhops of Rheemes the Kings of France*; will they therefore inferre, Ergo they are greater in power, dignity, and authority then they; as the † *Popes argue, that they are greater then the Emperors, becauſe the Biſhops of Rome have uſually crowned the Emperors*? Are the Princes Electors in Germany greater then the Emperors; or of Poland, Bohemia, and Sweden greater then their Kings; becauſe they elect and create them Emperors and Kings? Are the Lord Major of London and Yorke, or the Major of other Cities inferior to the Commons; or the Lord Chauncellors of our Vniverſities of Oxford and Cambridge, leſſe honorable, potent, and inferior to the Doctors, Procters, and Maſters of Arts; or the heades or Maſters of the Colleadges and Halls in them, ſubordinate, or leſſe worſhipfull or eminent then the fellowes, becauſe they are elected, conſtituted and created by them, to be ſuch? Are the Knights, Citizens and Burgeſſes of the Parliament, not ſo good as thoſe freeholders, Cittizens and Burgeſſes who elect them? or the Maſters

* *See Antiquitates Eccleſ. Brit. & Godwins Catalogue of Biſhops.*

† *Marſilius Patavinus Defenſoris Pacis: pars. 2. c. 25.*

Masters of Companies inferior to those that choose them. If not, as all must grant, how is this maxime true; *that hee who constitutes, ordaines, or consecrates another, is greater then the parties constituted, ordained, or consecrated, and that in Iurisdiction, place, order, and degree?* Our *Popish Preists* are not afraid to proclaime * *that in their consecration of the Sacrament, they create their very Creator, and make no lesse then Christ himselfe*: are they therefore greater and higher in order and degree then Christ, *the* † *great and onely High Preist, the* * *cheife Shepheard, and Bishop of our Soules*, whose ‡ *Vicar and Substitute the Pope himselfe doth but claime to be*? Certainly if this their Popish proposition be true, they must needs be one order and degree Higher, in point of Preisthood, then Christ himselfe; who must then lose his titles of High Preist, and cheife Shepheard, becaus every Masse Preist will be paramount him; in that hee not onely consecrates, *but creates him too.* We read in * *Scripture, that Kings, Preists and Prophets were usually annointed and consecrated to be such with oyle*; was therefore the oyle that consecrated them, greater or better then they? Are the font and water, better then the children baptized in or with them? The Diadems better then Kings, becaus they crowne them? or the very hands of Bishops and Ministers, worthier then Ministers ordained by them? If not, then are not Bishops greater then the Ministers which they ordaine or consecrate, since both are but instruments, Servants not prime originall agents, Lords, or Supreme absolute actors in these severall consecrations and actions. If we cast our eyes either upon nature or policy, we finde this proposition of our Prelates a meere falsehood. In nature we see, that a man begets a man; an horse an horse; an asse an asse; a dogge a dogge &c. equall one to the other in nature, quality, species, and degree; the sonne being as much a man as the Father, the colt as much an horse as the steed that begott him. In Civill or Politique Constitutions, wee see the like; In our Vniversities, Doctors

*Discip. Sermo. 111. Bishop Iewels Reply to Harding. Artic. 22. Div. 10. p. 452. 453
† Hebr. 4. 14 15. c. 8. 1. c. 9. 11. c. 10. 21.
‡ Hebr. 13. 20. 1. Pet. 2. 25. c. 5. 4. Iohn. 10. 1. &c.
* Concil. Constantien. Sessio 24. Bellarm. De Pontifice Romano.
‡ Exod. 29. & 35. Lev. 4. 3. 16. 1. Sam. 10. 1. c. 26. 6. 11. Ps. 92. 10. 1. Kings 1. 39. c. 19. 15. 16.

Doctors and Professors of Divinity, Phisicke, Law, Musicke, create other Doctors of the same Professions, equall to themselves, and as much Doctors in these arts as they; one Doctor in each of these, being as much and no more a Doctor then another, save onely in point of time or antiquity, but not in respect of the profession or degree of Doctorship it selfe; yea * *every Minister made by any Bishop, is as much as truly and fully a Minister as the Bishop, as all Protestants and Papists doe acknowledge*; therefore the same in specie with, and equall to a Bishop: Our Bishops pretend themselves *Spirituall Fathers*, and they call the Ministers ordained by them, *Sonnes*; So † *Epiphanius long since argues against Aerius*: As therefore in naturall generations, a man begets a man, a beast a beast; and in Civill respects; a Gentleman begets a Gentleman; a peasant a peasant &c. but not a man a beast; a beast a man, a Gentleman a peasant, nor a peasant a Gentleman; So Bishops when they engender naturall children, beget them as men, not Bishops, and their children are as much men as themselves; when they spiritually ordaine or engender Ministers, they doe it onely as they are Ministers not Bishops, and those they thus beget and ordaine, are as much Ministers as themselves; when they beget and consecrate Bishops, they doe it as they are Bishops, and those thus begot and consecrated are as much Bishops as themselves. Since therefore they ordaine Ministers onely as they are Ministers, not as Bishops; as is cleare (else it were an unnaturall an incongruous, yea a monstrous generation, to beget one of a different kinde, order, quality and degree from themselves, and as much as if a man should beget a beast, an horse, or an Asse,) and since every Minister is as much as compleatly a Minister every way as the Bishop, and Ministers who ordaine him; how this proposition can be true; *that the ordainer is higher in Jurisdiction, or different Iure divino in order or degree from the ordained*, I cannot yet perceive, neither can our Prelates ever make it good. We know there are now divers Ministers living, who not only baptized, but likewise ordained some of our Bishops to be Ministers, and

* *Bishop Iewell. Reply to Harding. Article 4. Divis. 5. 6. 18.*

Richardus Armachanus De Quæst. Armenorum l. 11. c. 1. 2. 3. 4. 5. 6. 7.

† *Contr. hær. l. 3. hær. 75.*

and layd hands upon them with the Bishop at the time of their ordination; yea every of our Bishops, and Archbishops were first ordained Ministers by Ministers before they were made Bishops or Arcbishops. And *the first Bishops that were ordained in the Church paramount Ministers, were ordained Bishops by Ministers, as Hierom writes in his Epistle to Evagrius, and all since acknowlege out of him.* Are these Ministers therefore in point of order, honor, jurisdiction, dignity and degree, greater then our Archbishops or Bishops? If so, then the controversie is at end; and the truth most apparant; that our Ministers are greater and higher in degree then our Bishops and Archbishops, not our Bishops and Archbishops higher, greater then they, as they vainely contend. If not, then the Prelates maxime, on which they ground their Hierarchie, is most false, in that sence in which they urge it; and so will yeild no supportation to their Hierarchie.

Thirdly, I answer, that this Proposition of theirs is warranted by no Scripture, nor backed with any convincing reason drawen from Scripture; therefore it prooves nothing either for Titus his Episcopall authority; or for Bishops superiority above other Ministers, by any divine right, or institution: As for that text of *Hebr. 7. 7.* (*And without all contradiction the lesser is blessed of the greater*;) it is nothing to the putpose.

First, Becausе it it not spoken concerning ordination, or of one Ministers ordaining or blessing another, but *onely of Melchizedechs blessing of Abraham*, and Ministers blessing of the people, as the words and † *all Commentators joyntly testifie.*

† *Anselmus, Haymo, Rabanus, Primasius, Calvin, Deering, and David Dickson on this text.*

Secondly, Becausе it is not meant of Ministers, who blesse others onely *Ministerially*, *instrumentally*, by way of duty and service, as Bishops ordaine Ministers; not inherent originall authority, for then Ministers shouldbe better and greater thenGod, whom they blesse and praise, but of Christ himselfe; who by

Obj. 5. If any finally object; *that the Fathers ſtile Titus*, the firſt *Biſhop of Crete, and Timothy of Epheſus*, therefore they were Diocæſan Biſhops, and ſuperior in Juriſdiction and degree to other Miniſters, and ſo by conſequence are other Diocæſan Biſhops as well as they.

Anſw. 1. I anſwer: *Firſt*, that neither *S. Paul* nor *S. Luke*, who lived in their times, and knew them farre better then any Fathers or writers ſince, ever ſo much as once terme or ſtile them Biſhops; much leſſe, the firſt or ſole Diocæſan Biſhops of Crete, or Epheſus; which no doubt they would have done, had they beene in truth Diocæſan Biſhops there; and the name, the office of a Biſhop ſo honorable and ſublime, above that of Miniſters, even *Iure Divino*, as our Prelates and their flatterers now pretend. Their teſtimonies therefore (who ſtile them onely † *Miniſters or Euangeliſts*, never Biſhops) is to be preferred before all Fathers and writers, (who ſtile them Biſhops) being neither acquainted with their perſons or functions, nor living in their age.

† 1. *Tim.* 4. 6. 2. *Tim.* 4. 5. 1. *Theſ.* 3. 2.

Secondly, No Father ever ſtiles them, or either of them a Diocæſan or ſole Biſhop of Crete or Epheſus, (the thing which ought to be prooved,) *but Biſhops onely*, as they ſtiled other Miniſters, *the name, the office of Biſhops and Preſbyters being but one and the ſame, and promiſcuouſly uſed in the Apoſtles times; all Preſbyters being then called Biſhops, and all Biſhops Preſbyters; as is evident by* Acts. 14. 23. c. 20. 17. 28. Phil. 1. 1. 1. Pet. 5. 1. 2. 3. Tit. 1. 5. 7. 1. Tim. 3. 1. 2. 3. 2. Iohn. 1. 3. Iohn. 1. Philemon. 9. with all ancient, all moderne Commentators on theſe texts. Whence the *Tranſlators of our laſt authonized Engliſh Bible*, affixe theſe *Contents to Titus*, 1. 6. *to* 10. (which treates of the quality of Biſhops) *How they that are to be choſen* MINISTERS *ought to be qualified:* And the *Booke of ordination of Miniſters* (confirmed by two *ſeverall Acts of Parliament*) preſcribes the 1. Tim. c. 3.

* 3. *Ed.* 6. c. 12. 8. *Eliz.* c. 1.

Acts

Acts 20. *and* Titus 1. *to be read both at the ordination of Ministers, and Consecration of Bishops*: and so intimates, yea interpretes, that Bishops and Ministers in the Scriptures language, are both one, in name, and office, and were so reputed in the Primitive Church.

Thirdly, The Fathers use the word, *Elders and Bishops, promiscuously*; calling Elders Bishops, and Bishops Elders; Hence *Papias the Auditor of S. John, and companion of Polycarpus*, writes thus *in the Preface of his bookes*; * *It shall not seeme grievous unto me, if that I compile in writing, and commit to memory, the things which I learned of the Elders. If any came in place which was a follower of the Apostles, forthwith I demaunded the words of the Elders: what Andrew, what Peter, what Philip, what Thomas, or Iames, or John, or Mathew, or any other of the Lords Disciples; what Ariston, and the Elder John, Disciples of the Lord, had sayd.* Here hee stiles, not onely Bishops, but even Apostles *Elders*. *Polycarpus*, his companion and Coætanian, writes thus in *his Epistle to the Philippians*, † *Be ye subject to Presbyters and Deacons as to God: let the Presbyters be simple and mercifull in all things.* Now those whom hee here stiles *Presbyters*, S. *Paul* expresly termes *Bishops*, Philip. 1. 1. *Justine Martyr in his second Apology*, used neither the name Bishop nor Elder, but termes the Minister onely, *Hee who is sett over the Brethren, Hee who holds the first place, in reference* to the Deacon, who held the second place, not to any Elders of an inferior order to him. And least any one should dreame that *Iustine Martyr* here speakes of a *Bishop*, *Tertullian*, who lived neere about that time, or within few yeares, in his * *Apology* writes thus; *Præsident nobis probati quique Seniores, &c. Approoved Elders* (not Bishops) *are sett over us, having obtained this honor, not with any price, but by a good testimony.* Whence it is evident, that in his age, every Christian Congregation had *divers Elders*, (not one Diocæsan Bishop) *over it to feede and rule it*, accordi g *to the practise of the Apostles times*,

* *Eusebius Eccles. Hist. l. 3. c. 39. p. 55.*

† *Bibliotheca Patrum. Tom. 1. Philip. p. 96.*

* *Apolog. c. 39. Tom. 1 p. 692. 693. 694.*

Acts. 14. 23. c. 20. 17. 28. c. 21. 18. Philip. 1. 1. 1. Tim. 5. 17. Tit. 1. 5. Iames, 5. 14. 1. Pet. 5. 1. 2. Hence learned * *Apollinarius*, cals *the Bishops and Elders of the Church of Ancyra* in *Galatia*, *Presbyters*. And † *Clemens Alexandrinus*, relating the *Story of the young man delivered by S. Iohn to a Bishop, to traine up in the feare of God, twice together cals him*, interchaingably, *both a Bishop and an Elder*; as *Meridith Hamner* (a Bishop) Englisheth it. So * *Ireneus*, one of the ancienteſt of all the Fathers, ſtiles *Polycarpus Bishop of Smyrna*. That *holy and Apoſtolike Elder*, yea hee termes the Biſhops of Rome themſelves *Elders*, o *They* (*ſaith hee*) *that were Elders before Soter, of the Church which now thou governeſt, I meane Anacletus, Pius, Hyginus, Theleſphorus, and Xyſtus, neither did ſo obſerve it themſelves, neither left they any ſuch commaundement unto poſterity*. And the ſame Father *Adverſus Hæreſes. l. 3. c. 2. & l. 4. c. 43. 44.* oftentimes * *ſtiles Bishops Elders; and Elders Bishops; making Presbyters equall to Bishops in all reſpects, and Succeſſors to the Apoſtles as well, as much as they*. So *Dionyſius Alexandrinus*, in his *Epiſtle to Xyſtus*, Biſhop *of Rome, about the yeare of Chriſt*, 240. writes thus: *There was a certaine Brother, reputed to be of our Church, and Faith, very aged, & priuſquam ego etiam creatus Epiſcopus, and created a BISHOP before, I was, and as I thinke, before bleſſed Heraclas was made a Biſhop*. Where hee expreſly termes this party, who was but a Miniſter or Preſbyter onely in that Church, *A BISHOP*, and ſaith, *hee was created a Biſhop*: when hee was but ordained a Miniſter. And that famous *Gregory Nazianzen* (three hundred and ſeventy yeares after Chriſt,) *in his 9. 13. 15. 21. and 28. Orations, p. 262. 357. 368. 479. as Elias Cretenſis*, in his *Commentary on thoſe places* teſtifieth, *uſeth the words Biſhops and Preſbyter, reciprocally; ſtiling Biſhops Preſbyters, and Preſbyters Biſhops; making them all one by divine inſtitution, and different onely by humane invention, which difference hee heartily* p *wiſheth, were aboliſhed*; himſelfe p *voluntarily reſigning his Biſhopricke of Conſtantinople, to betake himſelfe to a more private*

* *Euſebius Eccleſ. Hiſt. l. 5. c. 16.*
†*Euſebius Eccleſ Hiſt. l. 3. c. 23.*
**Euſebius Eccleſ. Hiſt. l. 5. c. 20.*
o *Ibid. c. 26.*
* *Euſebius Eccleſ. Hiſt. l. 7. c. 8.*
p *See his life before his workes.*

and

and retired life. The Fathers therefore thus promiscuously using the name Bishop and Presbyter, stiling *Bishops Presbyters*; *and Presbyters Bishops*, and making both of them one and the same by divine institution, their stiling of Timothy and Titus, *Bishops of Ephesus and Crete*, is no argument or proofe at all, that they were Diocæsan, or sole Bishops of those places; or that they had, or any Bishops now have, by divine institution, any Episcopall Iurisdiction and preeminence over other Presbyters or Ministers, or were superior to them, in order, dignity or degree.

Fourthly, The Greeke word ἐπίσκοπος, which we English, *a Bishop*, signifies properly nothing else, but *an Overseer, Survayor, Superintendent, or Administrator*, and is oft times applyed both by *Greeke Authors, and the Septuagint Greeke Translators* to secular offices * Hence. † *Homer*, stiles *Hector; the Bishop of the City*: In the *Verses of Solon in Demosthenes, Pallas is called the Bishop of Athens*: *Plutarch* in the life of *Numa, stiles Venus the Bishop over the dead, and hee there makes mention of a Bishop of the Vestall Virgins. Suidas records, that in the Athenian Republike; those who are sent to the Cityes under their Jurisdiction, to oversee the affaires of their Companions; were called Bishops. Cicero in his seaventh Booke to Atticus*, writes thus, *Pompey will have mee to be the Bishop of all Compagnia and the Maritime Coastes, to whom the choise and summe of the businesse may be referred. And in the Pandects, the Clerkes* of the Markets are called Bishops. The Septuagint *Numb. 13.* read the *Bishops of the Army; 4. Kings 11.* they read; *the Bishops who are over the Army, and the Bishops over the howse of the Lord.* Where Watchmen, Guardians, and Overseers, are called Bishops, 2. Chron. 34. *The Overlookers of the Workemen*, are stiled *Bishops*; Iudges 9. Zebul is *called Abimeleches Bishop*, in the Greeke; which we now English, *his Officer*: So Num. 4. 16. The office of *Eliazar, in the Tabernacle of the Lord, and the function of Judas*, Psalm. 109. 8.

is ter-

* *Aretius. Theolog Problemata. Locus 62. De Officiis Eccl. Sex. 9. p. 184. 186*

Chemnitius Examen Concilij Tridentini pars, 2. De Sacramento Ordinis. c. 4, p. 223. 224

† *Iliad. 1. 10*

is termed ἐπισκοπη, *a Bishopricke*, by the Septuagint; and so expressly stiled by the Holy Ghost himselfe, and English hed by us, Acts. 1. 20. *His Bishopricke let another take, yea, Constantine the greate* (as † *Eusebius records in his life*) *inviting some Bishops to a Feast, called himselfe a Bishop in their presence, uttering these words, You sayth hee, are Bishops within the Church, but I am constituted of God a Bishop without the Church.* Our New Translators, Acts. 20. 28. render the Greeke word ἐπισκοποις (the title which hee gives *to the Elders of the Church of Ephesus*) *Overseers*: Luke. 19. 44. *The time of Gods visitation and overthrow of Ierusalem, is termed* ὁ καιρὸς τῆς ἐπισκοπῆς σου &c. Luke. 1. 6. 7. 8. c. 7. 16. Heb. 2. 6. The Greeke word which we translate, *hath visited us*, is ἐπισκέψατο. Whence the day of Gods gracious visitation of his people to convert them to him in mercy, is called *by the Holy Ghost*, 1. Pet. 2. 12. ἡμέρᾳ ἐπισκοπῆς *The day of visitation*; yea our very visiting of sick persons, prisoners, Orphanes and Widdowes, is termed by Christ and the holy Ghost himselfe (though a meere act of charity, humility, and Christian duty, not of Jurisdiction and Lordly Prelacy,) ἐπισκέψασθε. Math. 25. 36. 43. and ἐπισκεπτεσθαι: Iam. 1. 27. *to visit or to play the Bishops part and duty*; which the meaneſt Christian, yea women (though uncapeable, of sacred orders) may doe and ought to performe, as well as any others. So intermedling with other mens affaires or couetting of any other mens offices of what condition soever, is termed by the Apostle, 1. Pet. 4. 15. ἀλλοτριεπισκοπος *the playing as it were the Bishop in another mans Dioces.* Yea every Ministers feeding and taking the oversight of his proper flock, is stiled, *the doing of a Bishops office*: and those Presbyters who doe thus, are not onely said to be ἐπισκοποῦντες. 1. Pet. 5. 21. that is, *men executing the office and duty of a Bishop*; but likewise stiled, ἐπίσκοποι; that is, true and proper Bishops: a name given onely to Presbyters (and none but they in holy Scripture: Acts. 20. 28. Phil. 1. 1. Titus. 1. 7. *and to Christ himselfe, who is stiled*, ἐπίσκοπον τῶν ψυχῶν ὑμῶν, the Bishop of our Soules, 1. Pet. 2. 25. but not to any Apostle, Euangelist, Diocæsan, or

* *De Vita Constantini. l. 4. c. 24.*

* *So is the Word* ἐπισκέψασθαι *used by Basil. Epist. 52. not to ride in visitation like a Lordly Prelate, but to consider of the miserable state of the Church & to be carefull for it, as Bishop Iewell witnesseth in his Defence of the Apology of the Church of England, part. 2. c. 3. Divis. 5. p. 107.*

tr other Prelate; none such being particularly termed, *a Bishop*, throughout the whole New Testament: The Fathers make Bishops and Overseers all one, *deriving the very name of a Bishop, from a Greeke verbe, which signifieth to overlooke, watch, ward, or take care off.* Hence ‡ *Augustine* writes thus; *Hee did keepe, hee was carefull, hee did watch, as much as hee could, over those, over whom hee was set. And Bishops doe thus. For therefore an higher place is set for* Bishops, *that they may superintend, and as it were keepe the people. For that which in Greeke is called a Bishop, that in Latine is interpreted a Superintendent, because hee overseeth, because hee seeth from above. For like as an higher place is made for the vineyard keeper, to keepe the vineyard, so an higher place also is made for the* Bishops. *And a perilous account is to be rendred of this high place, unlesse we stand therein with such an heart, that we may be under your feete in humility, and pray for you, that hee who knowes your mindes, hee may keepe you; because wee can see you entring and going out, but yet we are so farre from seeing what you thinke in your heartes, that we cannot so much as see what you doe in your houses. How therefore doe we keepe you like men, as much as we can, as much as we have received. We keepe you out of the office of dispensation, but we will be kept together with you: we are as Pastours to you, but under that* Pastor (Christ,) *we are sheep together with you: We are as teachers to you out of this place, but under that one Master wee are Schollers with you in this Schoole. If we will be kept by him who was humbled for us, and is exalted to keepe us, let us be humble.* * *Those set themselves before Christ, who will be high here, where hee was humble; Let them therefore be humble here*

‡ *Enarratio: in Psal. 126. Tom. 8 pars. 2. p. 726. 727.*

* *Let our great Prelates marke this well.*

here, if they will be exalted there, where hee is exalted. In another place hee writes thus; * For this cause the Apostle saith, Hee that desires a Bishopricke, desires a good worke. Hee would expound what a Bishopricke is: it is a name of labour not of honor. For it is a Greeke word, and derived from hence, that hee who is made an Overseer, overseeth those, over whom hee is set, namely by taking care of them. For ἐπὶ is over, but σκοπὸς is intention, overseeing or care: therefore if we will render ἐπισκοπὴν in Latine, we may say it is to play the Superintendent; that hee may understand, that hee is not a Bishop, who delights to be over others, but not to profit them. On which words Ludovicus Vives thus Comments; The name of a Bishop is derived either from ἐπισκοπέω, which signifieth to consider, or from ἐπισκεπτομαι, which signifieth the same and to visit. Whence Suidas saith, there were some sent from the Athenians to the Cities under them, who should looke into their affaires: and these were called Bishops, that is, as it were Overseers, or Visitors, and Observers. In Holy Scriptures, a Bishop is commonly called, a Watchman, as in Ezekiel. 3. 17. c. 33. 2. 6. 7. and in Hosea. 5. 1. The Lord complaineth that the Bishops were made a snare on Mizpah (or in the Watch tower,) and a net spread upon Tabor; as if hee had spoken of the † Bishops of this age, who lay snares in their Bishoprickes and large nets to catch many, but not with thinne holes or threades, least the gift should swim thorough: yea now it is so provided by the diligence and wits of certaine men, that without evasion of this Law, a Bishopricke may not onely be lawfully desired, but likewise bought and sold. S. Chrysostome in his 10. Hom. upon the 1. Tim. S. Hierom in his Epistle to Evagrius, Beda on

*De Civitate Dei. l. 19. c. 19. Tom. 1. pars. 2. f. 516.

† Note this.

on the 1. Pet. 2. 25. Anselme on Phil. 1. 1. Aquinas secunda secundæ: Qu. 184. Art. 6. Petrus de Palude. de Potest. Coll. Apostol. Art. 1. (all cited by *Bishop Iewell* in the *Defense of the Apologie of the Church of England, part. 6. c. 2. Divis. 1. p. 523.*) and *S. Bernard* also, *de Consideratione ad Eugenium, l. 2. & 3.* joyntly resolve; *that a Bishop is nothing else, but a Superintendent, Watchman, or Overseer, and that hee is called a* Bishop *from hence, that hee overseeth, survaieth, or watcheth over others, with which all other ancient and moderne writers, whether forraigne or domestique, Papists or Protestants accord.* Heare onely *Doctor Iohn* Ponet *Bishop of Winchester,* in his *Apology against Doctor Martin*, in defence of Preists mariage, c. 4. 5. p. 44. 52. 53. 54. who as hee there expresly reckons up *Popes, Cardinals,* B*ISHOPS, Preists, Monkes, Canons, Friers, &c. to be the Orders of Antichrist;** *taxing them likewise severely and comparing them with the Eustathian heretickes for refusing to weare usuall garments, and putting upon them garments of strange fashions, to vary from the common sort of people in apparell:* So hee thus determines of the name Bishop and Superintendent: *And further whereas it pleaseth Martin not onely in this place, but also hereafter to gest at the name of Superintendent, hee sheweth himselfe bent to condemne all things that be good, though in so doing hee cannot avoyd his open shame. Who knoweth not that the name Bishop hath so beene abused, that when it was spoken, the people understood nothing else, but a great Lord, that went in a white Rochet, with a wide shaven Crowne, and that carrieth an oyle boxe with him, where hee used once in 7. yeare riding about to confirme children, &c.*

* fol. 116.

Now to bring the people from this abuse, What better meanes can be devised then to teach the people their error by another word out of the Scriptures of the same signification: which thing by the terme superintendent would in time have beene well brought to passe. For the ordinary paines of such as were called superintendents, should have taught the people to understand the duty of their Bishop, which you Papists would faine have hidden from them. And the word Superintendent being a very Latine word made English by use, should in time have taught the people by the very Etymology and proper signification, what things was meant, when they heard that name which by this terme Bishop, could not so well be done, by reason that Bishops in the time of Popery were Overseers in name, but not indeed. So that their doings could not teach the people their names, neither what they should looke for at their Bishops hands. For the name Bishop, spoken amongst the unlearned, signified to them nothing lesse then a preacher of Gods word, because there was not, nor is any thing more rare in any order of Ecclesiasticall persons, then to see a Bishop preach, whereof the doings of the Popish Bishops of England can this day witnesse; but the name superintendent should make him

Act. 20. *ashamed of his negligence, and afraid of his idlenes, knowing that S. Paul doth call upon him to attend to himselfe and to his whole flock, of the which sentence our Bishops marke the first peece right well, (that is, to take heed to themselves, but they be so deafe, they cannot hearken to the second) that is, to looke to their flock. I deny not, but that the name Bishop may be well taken, but because the evilnes of the abuse hath marrid the goodnesse of the word, it cannot be denied, but that it was not amisse to joyne for a time another*

word

word with it in his place, wherby to restore that abused word to his right signification. And the name superintendent is such a name, that the Papists themselves (saving such as lack both learning and wit,) cannot finde fault withall. For Peresius the Spaniard and an Archpapist, (out of whom Martin hath stolen a great part of his Booke) speaking of a Bishop, saith: Primum Episcopi munus nomen ipsum præ se fert, quod est spperintendere, Episcopus enim Superintendens interpretant, visitans aut supervidens, &c. *That is to say: The cheife office of a Bishop by interpretation signifieth a Superintendent, a Visitor, or an Overseer. Why did not Martin as well steale this peece out of Peresius, as hee did steale all the common places that hee hath for the proofe of the Canons, of the Apostles, and of Traditions in his second and third Chapters? Martin in the 88. leafe is not ashamed in his Booke to divide the significations of the termes, (Bishop and Superintendent,) as though the one were not signified by the other. But it may be that Martin as the rest of the Popish Sect would not have the name of (Superintendent) or Minister used, least that name which did put the people in remembrance of sacrificing and bludsapping, should be forgotten.* Since therefore this Title *Bishop*, is thus promiscuously used, both in prophane and Christian writers, and in the Scripture it selfe, *for any Officer, Overseer, Survayer, Superintendent, Watchman, Guardian, Pastor, or Keeper, as well temporall and civill, as Ecclesiasticall*, and all these their offices stiled in Greeke, a *Bishopricke*: since every Pastor, Watchman, Presbyter, Minister, Rector, and Curate, who takes care of, watcheth, feedeth, overlooketh, instructeth, or keepeth the flock and people committed to his charge, is even in the Scriptures Language *called a Bishop*, and said, *to act, to doe the office*

of a Bishop: since those who out of charity, love, or freindship goe to visit others, who are either sicke, poore, Fatherlesse, or otherwise distressed, and God himselfe when hee comes, to punish or shew mercy unto others, are in the Greeke and Scripture phrase, said, *to visit and play the Bishops*; as appeareth by the forecited Scriptures, and by Acts. 15.36. *Where Paul said to Barnabas* ἐπισκεψωμεθα τους ἀδελφους ἡμῶν, which we translate, *Let us goe againe and visit our Brethren, in every City, where we have preached the word of the Lord, and see how they doe.* From which text the * *Rhemists would make Bishops, ordinary visitation, to be Iure Divino*; but this was no Lordly Episcopall visitation such as our Bishops now keepe, for we read of no visitation Articles, oathes, fees or presentmens in it; neither were Paul and Barnabas Bishops, but it was a meere visitation of love, as one freind visits another, not of Jurisdiction, as the last words: *And see how they doe*, together with the *Councell of Laodicea, Can.* 57. expound it, and verse 14. *Symon hath declared how God hath at the first* ἐπισκέψατο *did visit the Gentiles, to take out of them a people for his name.* And Acts. 7.23. *When Moses was full 40. yeares old, it came into his heart* ἐπισκέψασθαι, *to visit his brethren, the children of Israell*; and since these words ἐπισκέψασθαι and ἐπισκοποῦντες, (that is) *to visit, oversee, or play the Bishop,* ‡ *imply no Lordship; Soveraingty, Dominion, Jurisdiction, or Lordly Episcopall authority in them*, (at least no such as our Bishops now claime and exercise:) *but rather an Act of humility, charity, Service, and inferiority to the persons visited*, as is evident by Mathew 25. 36. 43. Acts. 7. 23. c. 15. 36. Iam. 1. 27. Heb. 2. 6. 1. Pet. 5. 2. 3. 5. It hence unanswerably followes, that Bishops Episcopall Lordly visitations, are not *Iure Divino*, and that other Ministers are as much Visitors, and may visit as well as they, that every Presbyter, Minister, Curate who doth faithfully discharge his duty, * *is as much, as truly, as properly a Bishop, both in the Scriptures language and in Gods account, as any Diocæsan Bishop or Prelate whatsoever*; That those Bishops who merge themselves

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* *See Fulke and Cartwright. Ibid. m.*

‡ *Bishop Iewel. Defence of the Apology. part. 2. c. 3. Divis. 5. p. 107.*

* *Marsilius Patavinus Defens. Pacis pars. 2. c. 15. 16. Richardus Armachanus. Resp. ad Quæst. Armenorum l. 11. c. 1. to 8. Fox Acts and Monum. p. 1009. 1116. 1465.*

in pleasures, idlenesse, or secular affaires, and doe not diligently, faithfully, intirely give themselves to preach Gods word, instruct and teach the people, visit the Fatherlesse, imprisoned, sicke, poore, widdowes, and flockes committed to them; (which few of our Prelates now deine to doe) *are* * *in truth, in Gods, in Christs account, and in the Scriptures language, no Bishops at all, what ever they pretend*; that the word *Bishop*, is † *not a title of Dominion, Soveraingty, Jurisdiction, Glory, Power, Preheminency, Pompe, State, Authority, and Commaund*, (as our Bishops, who now presume to monopolize it to themselves alone, though commonly Gods word and ancient writers to every Minister, pretend,) *but of humility, office, service, labor, care, circumspection, watchfulnesse, meeknesse, tender-heartednesse, charity, familiarity, and brotherly kindnes*, (which most Prelates have now quite shaken off.) The Fathers stiling therefore of *Timothy*, *Bishop of Ephesus*, *or Titus* *Bishop of Crete*, *or Bishops*, will neither proove them to be Diocæsan; or sole Bishops of those Churches, or that they had a superiority or Iurisdiction as they were Bishops over all other Ministers or Presbyters in those Churches; or that Archbishops or Bishops are *Iure Divino* superior to, or different in order or degree from Presbyters, *who have the selfesame Commission or authority given them by Christ, as they*; and so have equall authority with them, and are as much Bishops every way by Gods Law, as they; even as every *High Commissioner* of the *Quorum*, is as much an High Commissioner as the Archbishop of Canterbury or Yorke, and hath as much authority as an High Commissioner, as they; since they have all the selfesame Commission, which gives no greater power to one of them then the other, but the same to both. Indeed had Christ given a different Commission to his Apostles and the seaventy Disciples, or to Timothy and Titus, then to other Elders and Bishops of the Churches of Ephesus and Crete, or to Bishops, then hee hath given to Presbyters and Ministers, there might have beene some ground to have prooved the 12. Apostles, Timothy, Tytus, and

* *Bishop Iewell. Defence of the Apol. part 2. c. 3. Divis. 7. part. 111. Thomas Beacon his Catechism Vol. 1. f. 499. 500. Chrysost. Opus Imperf. in Matth. Hom. 3. & 43 Ambros. de Dign. Sacerd. c. 4.*

† *August. De Civ. Dei l. 19. c. 19. Hier. Ambr. Sedul. Primas. Haymo, Rab. Maur. Chrysostom. Theodoret. Theophylact. Oecumenius, Anselmus, Beda, in 1. Tim. 3. 1. 2. Bernard. De consid. ad Eugen. 2. & 3.*

and Bishops, greater in Iurisdiction, power, authority, and degree then the 70. Disciples, Presbyters, and other Ministers, by divine institution. But since it is apparant by * *the Scriptures*, that the 12. *Apostles and 70. Disciples* (what ever † *some men have rashly determined to the contrary*) *had but one and the selfesame commission given unto them by Christ*; that Timothy, Titus, Archbishops, Bishops, and other Prelates *have no other, no larger Patent, Commission or authority granted unto them by Christ, then Presbyters and ordinary Ministers*, (as the booke of *Ordination manifests*: *where the same words are used, the same commission given from God, to Ministers at the ordination of every Minister, as there is to Bishops at the consecration of any Archbishop or Bishop*) *since they are all joyned together in one and the selfesame divine Charter, and all claime by one and the selfesame grant*, (as is evident: by Math. 28. 19. 20. Marke. 6. 15, 16. Iohn. 20. 22, 23. Acts. 1. 8. c. 10. 47. c. 20. 17. 28. Col. 4. 17. 1. Tim. 3. 1. to 7. c. 4. 12. 13. c. 5. 17. 18. 20. 21. 22. c. 6. 11. 12. 17. 18. 19. 20. 2. Tim. 2. 14. 15. 16. c. 4. 1. to 16. Tit. 1. 5. to 14. c. 2. 1. to 15. c. 3. 1. 2. 8. 9. 10. 1. Pet. 5. 1. 2. 3. 4. 5. 2. Pet. 1. 12. 13. 1. Cor. 1. 12. 13. 17. c. 3. 4. 5. to 11. 21. 22. c. 4. 1. 6. 7. 17. c. 9. 16. 17. c. 13. 29. 30. 31. 32. Ephes. 4. 11. 12. with other Scriptures) it is most apparant, and undeniable, that by Gods word and institution, *they are all equall, both in point of office, power, Iurisdiction, and authority, not one of them greater, higher or superior then the other*, having the selfesame divine ordination, commission, office, and charge.

* Math. 10. 1. *to* 16. Marke. 6. 7. *to* 12. Luke 9 1. *to* 6. *compared with* Luke. 10. 1. *to* 21.

† *Clemens Epist. apud Surium. Tom.* 1. *p.* 141. *and others, who have since followed this forgery of his.*

* L. 3. c. 4. Eccl. Hist.

Finally, * *Eusebius* records onely, *that Timothy IS REPORTED to be the First Bishop of Ephesus, and Titus of the Churches in Crete*: So that all the Fathers Authorities, (who follow *Eusebius*,) are grounded onely upon this bare report, not upon any certainty; therfore not to be granted or relyed on. The rather, † *because there have beene anciently in Crete no lesse then 4. Archbishops, and 21. Bishops, Suffraganes*: now it is very improbable that Paul would institute Titus Archbishop or Super-

† *See Mercator Atlas Minor. p.* 812.

Superintendent generall of all Crete, it being so large a circuit, having so many Archbishops and Bishops Sees within it, and hee so little resident in, so often absent from it, as I have manifested in the premises. From all which I presume, I may safely conclude this second question against the common received Errour, *that Titus was never Bishop or Archbishop of Crete*, what ever our Prelates and their favourites have written to the contrary: And so Timothy being neither a Diocæsan Bishop of Ephesus, nor Titus of Creet, the pretended Hierarchy of our Prelates *Iure divino*, built onely upon the **sandy foundation* of these two supposed Bishops Bishoprickes, must needs now fall to ruine; and they being now lifted up so High aboue their fellow Brethren, their fall must certainly proove very great. They have long since, (many of them) forsaken God, the *teaching of his word, the chiefe part ‡ of their spirituall functions*, banden themselues against his truth, Ministers, people, and the preaching of his Gospel, which they suppresse and put downe in all places; yea such is their desperate impiety, that whereas in all former times of Plagues & Pestilence, (yea in * *1. Iacobi and Caroli*) there hath beene by publike authority a speciall day of fasting, prayer, preaching, and humiliation appointed every weeke (especially in infected places) to divert Gods heavy judgements, as *the chiefe antidote against all Plagues and judgements, prescribed by God himselfe*, yet now they are growen such open *fighters against God*, Religion, the spirituall, the temporall good and safety of the people, that to prevent the plague, (as they pretend, but in truth to increase it more, and to suppresse preaching, piety and religion) they begin to put downe all *weekeday Lectures, and Lords day sermons in the afternoone*, (as if Gods publike ordinances and service, the best remedie against, were a meanes to increase and spread, not stay the plague) yea they *debarre* † *Ministers from using any prayers at all after their sermons, or any other prayer before them, then what the 55. Canon prescribes*, in which there is not a word of prayer against the plague, drought, famine, sword or pestilence. By meanes whereof, inhibiting Ministers thus to reproove the people for

* *Math. 7. 26. 27.*

‡ *The Institution of a Christian man. Ch. of Orders, and Thomas Beacons Catech. f. 499. 500*

* *See the Fastbookes then printed.*

‡ *Ioel. 2. 14 to 20. 4. 2. 1. to 28. Isay. 22. 12. 13. 14. 2 Chron. 6. to 24. to 40. c. 7. 13. 14. 15 Zeph. 2. 1. 2. 3. Ionah. 3. 5: to 10. Ezech. 9. 4. Mal. 3. 16. 17. Ezra. 9. & 10.*

† *See Bishop Wrens Injunctions for Norwich, and his Visitation Artiles, and yet this Can. bindes them not strictly to any forme as the Words, Or to this Effect, declare.*

for their sinnes, which provoke Gods wrath and judgements at this present, & so to bring them to repentance for them *f*; by their preaching; or to *pray against the plague and other judgements of God, which now lie hard upon the Kingdome*, which these sinnes have occasioned; and hindring that publike weekely fasting, preaching & prayer, which God by his *judgements* * *now calls for at our hands*; they have made not onely the Kingdome, but themselves especially, ripe for ruine. And being now for these their atheisticall godles practises, their enmity to God, his truth, his faithfull Ministers and people, their Lordlines, tyranny, pride, oppression, wordlines, prophanes, and irreligion fallen under the very *g execration of God himselfe*, and *h* the curses of his people, *who day and night crie for vengeance against them, as Gods sworne and most professed open enemies*; and having no divine foundation, prop, or pillar now left, wherewith to support their tottering thrones and Miters, needs much they shortly, like that ‡ *High Preist Ely, fall from their high-towring seates backward, and so breake their neckes*, to the ioy of all Gods people, whom they now by their persecutions and innovations so much oppresse; *Even so let all thine enemies perish, O Lord; but let them that love thee, be as the sunne, when it goeth forth in his might.*

f Ier. 7. 16. c. 11. 14. c. 14. 11. c. 29. 7. c. 37 3. 4. c. 42. 2. 4. 20. Ioel. 2. 17.
* Isay. 22. 12. 13.
g Ps. 119. 21. Iudg. 5. 23. Mal. 2. 2. c. 3. 9. 1. Cor. 16. 22.
h Luke. 18. 3 to 3. Rev. 6. 9. 10. Psal. 28. 4. 5.
‡ 1. Sam. 4. 18.

A POST.

A POST-SCRIPT.

OUR famous * Martyr *Iohn Purvey*, in King Henry the fourth his raigne, delivered this Position, touching the preaching of the Gospel; *That whosoever receiveth or taketh upon him the office of a Preist, or of a Bishop, and discharged not the same by the example of his godly conversation and faithfull preaching of the Gospel, is a theife, excommunicated of God and of holy Church. And further, that if the Curates preach not the word of God, they shalbe damned, and if they know not how to preach, they ought to resigne their livings, (as ‡ Pope Celestine the fifth, * Adelbartus the second, Bishop of Pragne, Daniel the 6. and Firthstane the 23. Bishop of Winchester, Iohn the 5. and Thurstan the 28. Archbishop of Yorke, Thomas Spofford the 56. Bishop of Hareford, besides sundry others before-cited, resigned their Bishoprickes.) So that those Prelates, which preach not the Gospell of Christ (although they could excuse themselves from the doing of any other euill) are dead in themselves, are Antichrists and Satans, transfigured into Angels of light, night theives, manquellers by daylight, and betrayers of Christ his people.* What then shall wee thinke or judge of many of our present Lordly swaying English Prelates, some of which never preached since they were made Bishops; others, not once in a dozen yeares; others, but once in a yeare or two, & that not in their Diocesse to their people (where many of them never yet preached,) but at Court; few of them above once a quarter, or once a moneth at most? Where as *‡ S. Ambrose, e S. Augustine, f S. Chrysostome, g Cyrill of Ierusalem, with h other Bishops heretofore, and i B. Shop Hooper, and k Bishop Ridley in King Edward the 6. dayes, preached once or twice every day of the weeke without faile or intermission.* Yea what shall wee say of those Bishops, who now everywhere put downe

* *Fox Acts & Monuments London.* 1610. p. 502.
‡ *Platina, Onuphrius, Bale Stella, Volateranus Celestin. 5 & Bonifac. 8.*
* *Georgius. Pontan. Bohemiæ. piæ. l. 3. p. 36. Godwin. Catalog. of Bps. p. 212. 216 460. 564. 585. Mathew. Westminst. An. 932. p. 361. Newbrigens. l. 1. c. 14.*
‡ *De Sacram. l. 3. c. 1. l. 5. c. 1.*
e *Tract. 9. 16. 20. 21. 25. 27. 29. 35. 37. in Ioan.*
f *Hom. 5. 6. 8. 9. 10. 13. 28. in Genes.*

g *Catech Orat. 7. & 14. & Catech. Mystag. 14.* h *Socr. Eccl. Hist. l. 7. c. 2.* i *Fox Acts & Monum. p. 1366.* k *Fox Acts & Monuments. p. 1559. See p. 1115. 1153. 1457. 1579. 1696.*

jects whom hee is bound by Oath and duty to protect and preserve.

pOf the right use of the Church of the time and place of prayer

q Dr. Boyes Postill on the 10. Sunday after Trinity. p.448.

r Hom. of the repairing & keeping cleane of Churches p.80 of the time & place of prayer. p.131.

s Hom. of the right use of the Church of repairing Churches, & of the time & place of prayer

* Hom. 1.2. 3.5. & 10. 29. in Gen Hom. 5. in Math.

† Defence of the Apology part. 5. c. 3. Divis. 4. p.449.450

milies, *of repairing and keeping cleane Churches, and of the Right use of the Church* (which recite and prescribe *these latter text*, as most proper for it) the *Canons* 1571. *p.*19. & 1603. *Canon* 82. And here I cannot but stand amazed at these proceedings. For the Surrogate will not endure the Church, neither to be or called *an house of prayer*: but his Courthouse causing this Scripture to be actually dashed out of the Church; and the other will not suffer it to be or reputed *an house of preaching*; neither of them will admit these two textes of Scripture, to appeare therein, (no not on the bare wall where they are no hinderance) which intimate and declare it to be both an house of prayer and preaching too. And if the Church must now be neither *an Oratory*, nor *an Auditory*, neither an house of prayer, nor preaching, though our *p Homilies and q Postillers define it to be both*, I know not what they will make of it, but (what they begin to make their Churchhouses in many places) *a* direct *denne of theives*, as our Saviour termes it, or else *an house of r piping*, *minstrelsie*, *dauncing and revelling*: they having made the Lords day sacred Sabbath, such a day already; justifying both in their *visitation Articles* and printed *Bookes*; *That dancing, piping, Morrisses, Wakes, Ales, Sports and Bacchanals, are meet exercises for this holy day*, and so no place fitter for them then the Church; appointed principally *for the s dueties and publike exercises of the Sabbath day*; to the strict entire sanctification whereof by religious dueties our Prelates are such enemies, that they not onely silence, suspend and excommunicate such godly Ministers, who out of conscience dare not joyne with them in encouraging their people to prophane it, and punish those for Conventiclers, who after divine prayer and Sermons ended, meet together to repeat their Ministers Sermon, read chapters, sing Psalmes, conferre or pray together, as they are taught by * S. *Chrysostomes* and † *Bishop Iewels doctrine*; but one of them (*D. Peirce* the now *Bishop of Bath and Wels* by name,) enioyned the *Church-wardens of Batcombe* (in *Mr. Barnards* Parish in Somersetshire) vnder paine of excommunication, to expunge this Scripture (anciently painted on their Church-wall)

quite

quite out of the Church (*Isa.*58.13. *If thou turne away thy foote from the Sabbath from doing thy pleasure on my holy day, and call the Sabbath a delight the holy of the Lord, honorable and shalt honour him, not doing thine owne wayes, not finding thine owne pleasure, not speaking thine owne words. Then shalt thou delight thy selfe in the Lord, &c. stiling it, a * Iewish place of Scripture, not fit to stand or be suffred in the Church*: (and by the same reason not sufferable in the Bible, for the correcting whereof our Prelates may doe well to joyne with the *b Papists in making an Index expurgatorius*, as they intend and giue out publikely they intend to doe on all ancient English Writers) which Scripture the Churchwardens refusing to blot out, the Bishop like an Heroïcall Prelate, rode thither in person with a plaisterer to see it wiped out himselfe; such hideous Monsters of impiety, blasphemy and irreligion, (that I say not Atheisme) are this last generation of our holy domineering Prelates growen; who must now for ever cease to affirme or boast their Episcopall Supremacy, Authority and Iurisdiction to be *Jure divino*, since by vertue thereof they thus presumptuously take upon them (a straine beyond the Papists) to blot *Jus divinum*, the very Law of God and Gospell too, out of the house of God it selfe. And can wee then wonder at those immoderate droughts, those watry seasons, those devouring spredding Pests and *c* Plagues, with other publike and personall judgements of God, which wee have lately felt and suffred, and are like to taste of in a sharper maner, when such monstrous impieties as these, thus plublikely breake forth, without either shame or reprehension in those who stile themselves the *Pillars* (being in truth the *Caterpillars*) *and holy Fathers* (in verity the *unholy step-fathers*) of our Church, from whom *d prophanesse is gone out and spread over all the Land?* Certainly if wee consider onely the lives and practises of our Bishops (that I speake not of any others) how they now openly fight against God, his Word, his Ministers, Ordinances, worship, people, grace, holines, yea morall vertue, honesty, civility, and that with both hands, both swords at once; wee may rather wonder that the Lord himselfe doth not visiblie

* O Blasphemy!

b See Doctor Iames his Treatise of the corruption of the Scriptures &c. by the Prelates of Rome. part. 2.3.4.

c See the Homilies of the Right use of the Church of the time and place of prayer, of keeping cleane of Churches.

*d Ier.*23.13. 14.15.

descend

descend * from heaven, and raine downe fire and brimstone on us, as hee once did on Sodome and Gomorrah, and then tumble vs all headlong into hell, yea our Archbishops, Bishops and Prelates specially, may justly feare hee will strike them all quite dead with the Plague, as hee did *Pope Lucius the second* (who died of the pestilence,) *Pope Celestine the second* (swept away with the same disease, both within the compasse of two yeares,) *a Wichardus Archbishop of Canterbury elect*, (who going with great presents from *King Oswy* unto the Pope to Rome, to fetch thence his pall and consentation, hee and most of his company there perished with the Pest,) * *Thomas* Bradwardin, *Archbishop of Canterbury An. 1348. The Bishop of Marselles and all his Chapter An. 1348. b Daniel the 13 Bishop of Prague Anno 1116. The Bishops of Parma, Rhegium and Millain, Anno* 1085. with many other Archbishops and Bishops forecited, heretofore; that they might no longer be an insufferable Plague and burthen to the earth, or provocation and greivance even to heaven it selfe; or else deale with them in that exemplary way of Iustice, as hee did with * *Thomas Arundle* (*Archbishop succestively both of Yorke and Canterbury*) *one of their predecessor, a greivous persecutor of Gods people, and great silencer and suspender of his Ministers; who occupying both his tongue, his braines and Episcopall power* (*as too many of his successors have done since*) *to stop the mouthes and tye vp the tongues of Gods Ministers, and hinder the preaching & course of Gods word, was by Gods just judgmēt, so stricken in his tongue* (*with which hee had of t slaundered the poore Ministers, & Saints of God, as seditious factious people, rebels & Conventiclers to K. Henry the fourth,* (as some of his Rochet doe now to his Maiesty) *that it swelled so bigge he could, neither swallow nor speake for some dayes before his death, much like after the example of the rich glut-*

*Gen. 18. & 19 See 2. chron 36. 15. 16. 17.

* Fasciculus Temporum. 1144 Cent. Magd. 12. Col 1407. Stella.

a Antiq. Eccl. Brit. p. 13. Godw. p. 53.

* Fox Acts & Monuments p. 364.

b Alberti Argentinensis Chron. An. 1348. p. 147.

* Georgius Pont. Bohemiæ piæ l. 3. p. 34.

* Beltold Constantiensis ad Herman. Appendix An. 1085. p. 357.

* Thomas Gascoine in Dictionario Theologico Fox Acts & Monuments p. 541.

Antiquitates Eccl. Brit.

ton, and so hee was starved, choked and killed by this strange tumor of his tongue. This (say all the marginall writers) *was thought of many to come upon him by the iust hand of God, for that hee so bound and much stopped the word of the Lord, that it might not be peached in his dayes.* Our Prelates now have farre greater cause then hee had then, to feare Gods Iudgements in this, or a more grievous nature, and that in these regards.

First, Because they have his Example, with ‡ *many other like Presidents of divine revenge upon persecuting, truth-suppressing Prelates*, to wante and terrifie them, which this Prelate never heard of: and so are more inexcusable then hee.

‡ *Fox Acts and Monum. p* 1902. *to* 1906. *and Dr. Beards Theatre of Gods Iudgements. l.* 1. *passim.*

Secondly, Because his silencing of the Preachers and hindring the preaching of the Gospell, proceeded rather from error, ignorance of the truth, and misguided zeale; then malice or hatred against the Gospell, Ministers, and professors of it; But our Bishops proceedings in this kinde, proceeds from direct and willfull malice and emnity against the truth, Gospell, Ministers, and Saints of God, against inward conviction and the testimony of their owne consciences staring them in the face; *the very* * *sinne against the holy Ghost himselfe, or next degree thereto*, into which they are dangerously fallen.

* *Hebr.* 6. 4. 5. 6. 7. *c.* 10. 26. 27. 28. 29. 2. *Tim.* 3. 2. 3. 4. 5. 2. *Pet.* 3. 3. 4. 5.

Thirdly, Because hee persecuted, silenced, or suspended none that professed the same truth, faith and doctrine; which hee and the Church of England then embraced; but onely those whom hee and the Church of England then deemed both heretickes and Schismatickes. But our Prelates now silence, suspend, excommunicate, deprive, imprison, persecute those, who professe and maintaine the established doctrine and discipline of the Church of England, which themselves pretend to defend and strive for; those who are members, yea pillars of our owne Orthodoxe Church and neither seperate from it in point of doctrine nor discipline, being likewise altogether spotles, innocent, undefiled in their lives, even because they preach, and defend Gods

truth, and the Doctrines, the Articles of the Church of England against Papists, Arminians, and superstitious Romanizing Novellers: (A thing so strange, that the like was never heard or read off in any age, Church, State, but ours onely; yea a thing so detestable, as not found among the Savage ‡ *bruite beasts, as Tygers, Lyons, Wolves, Beares, who ever hold together and prey not one upon the other. Parcit cognatis maculis similis fera*, being as old as true, and therefore most monstrous, most detestable in our Christian Church, and Prelates, who must needs expect the extremity of Gods Judgements to light upon them for it.

‡ *At jam serpentum major concordia: quando Leoni Fortior eripuit prædam Leo? quo nemore unquam expiravit Aper, majoris dentibus Apri? Iudica Tygris agit rabida cum Trigride pacem; sævis inter se convenit ursis. Iuvenal. p. 141.*

Fourthly, Because hee put downe preaching, and silenced Gods Ministers in times of health and prosperity onely; but our Prelates even now in this time of sickness and mortality, when God in speciall maner cals upon them, * *To crie aloude and spare not, to lift up their voyces like a trumpet, and shew the people their transgression, and the howse of Jacob their sinnes*: yea which is the hight and upshot of all impiety, they take advantage of this present pestilence and mortality, to put downe all Lectures and preaching, when as all former ages have set them up, together with prayer and fasting to, as a ‡ *speciall antitode and preservative* * *against the Plague*, which they now pretend to be a meanes to spread it. An impiety that heaven and earth may well stand am azed at, and future ages will hardly credit; yea the very capitall sinne of which the Iewes were guilty, *f who both killed the Lord Jesus, and their owne Prophets, and persecuted and chased out*, (as the margin renders it) *the Lords Ministers, forbidding them to preach to the Gentiles that they might be saved, to fill up their sinnes alway; for the wrath is come upon them to the uttermost*: A text which should smite through the loynes and hearts of all persecuting Prelates and silencers of Gods Ministers, who prohibit and put downe preaching, *the cheife and most principall office, whereunto Preists or Bishops be called by the auehority of the Gospel*, as all the *Bishops and whole Clergy of England have resolved in the* * *Institution of a Christian man*, dedicated by them to King Henry the 8. and subscribed with all their

* *Isay.* 58. 1.
‡ *Ezech.* 9. 4
2. *Chron.* 6. 28. 29. c. 7. 13. 14.
Ioel. 2. & 2. *Zeph.* 2. 1. 2
3. *See the Bookes for the Fast, in* 1. *Iacobi & Caroli.*
* 1. *Thess.* 2. 15. 16.

their names, as the very *Councell of Trent it selfe* hath deemed in these words: * *Prædicationis munus Episcoporum præcipuum est*; as the Church of England herselfe in the *Homily of the right use of the Church*, *p.* 3. 4. 5. and before them all our ‡ *Saviour Christ himselfe his Prophets and Apostles have past all dispute concluded.* I shall therefore desire these dumbe silencing and silent Prelates, (who would have all other Ministers as lasie mute and silent as themselves, favouring all dumbe dogs that neither will not, nor cannot preach, and persecuting none but the most painefull Preachers, a thing well worthy noting, discovering their emnity to be directly against preaching and the Gospell; (to remember that of *Master* * *Tyndall* our godly Martyr, *That Bishops who persecute their owne office of preaching* (for and by which they hold their fast Bishoprickes) *are not worthy of it, nor sufferable in it: and that Bishops or Preists that preach not, or that preach ought save Gods word, are none of Christs nor of his anointing* (*therefore not Jure divino*) *but Servants of the Beast, whose marke they beare; whose word they preach, whose Law they maintaine, cleane against Gods Law: and therefore both Ministers and people must and will henceforth call and deeme them such.* As for those Ministers most unjustly silenced, suspended and excommunicated by them, who now basely sit downe silent under their Suspentions, when as they should goe uncouragiously in their Ministery in despite of them, I shall desire them onely to consider.

First, the ¶ *example and answer of the Apostles themselves*, who when they were commaunded by the *High Preists, Elders and whole Councell of the Jewes* (who had as much or more power over them then any Bishops have over Ministers at this day) *not to speake at all or teach in the name of Jesus, gave this answer; Wee ought to obey God rather then men; whether it be right in the sight of God to hearken unto God more then unto you, judge yee? for we cannot but speake the things which we have seene and heard: and though they were thrice expressly inhibited from preaching, yea imprisoned and beaten for violating these prohibitions,*

* *The Sacrament of Orders f.* 3. 54.
‡ *Sess.* 24. *Decretum de Reformatione c.* 4.
* *Math.* 28. 19. 20. *Mark* 16. 15. 16. 1. *Cor.* 1. 17. *Isay.* 61. 1. *Math.* 24. 14. *Luke.* 4. 18. *Acts.* 10. 42. *c.* 5. 42. *c.* 6 10. 1. *cor.* 9. 15. 16. 2. *Tim.* 4. 2.
* *Obedience of a Christian man p.* 114. 134.
¶ *Acts. c.* 4. & 5. throughout.

hibitions, yet *they dayly in the Temple IN EVERI HOWSE* (which now forsooth must be a Conventicle, I am sure an Apostolicall one) *they ceased not to preach and teach Jesus Christ, filling Jerusalem and every place with their doctrine, the very Angel of God himselfe commaunding them to doe it.* If then the whole Senate of the High Preists and Elders, their terrible Prohibitions and Suspentions, yea their imprisonments and stripes could neither keepe nor deferre the Apostles from preaching; why should our Bishops threats, suspentions, or most unjust illegall Censures (warranted by no Statute, Law ot Commission from his Majesty) hinder our Ministers from their duty?

†5.R.2.c.5. 2.H.4.c.15. 2.H.5.c.7. Fox Acts & Monuments London. 1610. p.415.416 417. 418. 428.434. 435. 438. 552.563. 567.588. 598.800. 911.1280. 1281. 1336. 1457. 1690.

Secondly, The example of our owne *godly* † *Martyrs*, who both their Doctrine and example taught and professed, *That Ministers ought not to give over preaching for any unjust suspention, excommunication, inhibition, Censure or persecution whatsoever, either of the Pope himselfe or of any other Prelate, going on boldly to preach the Gospell, maugre all inhibitions, menaces, imprisonments and penalties to the contrary, though fire and death it selfe. Whereupon they never would give over their preaching upon any Prelates inhibition, no not in their prisons, where Master Bradford and others preached twice every day.* And shall our eminentest Ministers now in the Sunne shine of the Gospell under a most gratious Prince, be more pusillanimous, base and cowardly then these godly Martyrs were even in times of darkenesse under Popish Princes, Prelates and Tyrants, when it was death to professe and preach the truth, which now (God be thanked) it neither is, nor can be? God forbid.

*Acts & Monuments p.415.416 417.418.

Thirdly, That position of our Godly Martyr, *Master John Wicklife* (excellently defended and notably proved by *Iohn Hus* at large in the Schoole of Prague, as all may read at leisure in * *Master Fox:*) *That they which leafe off preaching and hearing of the word of God for feare of any excommunication, threatning, persecution, or imprisonment, threatned, or inflicted by the Pope, or any other whatsoever, are already excommunicate by God himselfe, and in the day of Iudgement shall be accounted the betrayers of Christ;*

Christ; which is so well prooued and defended by *Hus*, that all Godly Ministers and people must subscribe thereto. And who of all our late suspended Ministers, would be either accounted here, or adjudged hereafter, a man excommunicated of God, and a betrayer of Christ, yea of the very Word of God, of Religion it selfe, and of the soules committed to his Cure, who are slaine for lacke of spirituall food, whiles they out of a slavish feare, of I know not what or whom sitt mute and silent, and become so many laughing stockes to our Prelates, who would be terrified, daunted and repulsed by their Godly courage.

‡ *See Rastall Tit. Rome. Recusants, Iesuites, Preists.*

Fourthly, That Popish Preists and Iesuites dare say Masse, and preach in a maner publikely, though a thing unlawfull and expressely prohibited both by the Lawes of God and the Realme, and no lesse then ‡ *high treason, for which capitall punishments are prescribed.* If these Miscreants and generation of vipers then have so much courage, for their false and *trayterly religion*, that they will not be silenced, nor scared from preaching, neither by Lawes, nor capitall punishments; how much lesse then should zealous faithfull Ministers of the Gospell, contrary to Gods Lawes and the Realmes, give over their Ministrie and preaching, upon the bare illegall suspension or excommunication of a Lordly Bishop, warranted by no Law nor Statute of the Realme, nor any Patent or Commission from the King, and so no colour for any to obey or submit thereto?

* *See the Prayer on the 5. of November lately altered, in the last impression 1635. and Doctor Iohn White his defence of the Way, p. 6.*

Fiftly, What a great blow and wound they have given to religion, what great discouragement and ill example to their people and fellow Ministers; what losse and prejudice to their flockes, what encouragement to Iesuites, Seminaries, Papists and domineering Prelates, who gett heart & head by their faintheartednes yeelding, silence and submission, encroaching every day further on their liberties, consciences and Religion, so that they have brought themselves and others into a meere vassalage to the Bishops unruly lusts and pleasures; all which their opposition and contemning of these their suspentions and excommunications, beeing* *meere nullities in Law (for want of a Commission from his*

* 25. *H.* 8. *c.* 19. 37. *H.* 8. *c.* 17. 1. *Edw.* 6. *c.* 2. 1. *Eliz. c.* 1. *Canons.* 1603. *Can.* 1. 13.

his Maiesty a lawfull ground, a due maner of proceeding, and his Maiesties stile and seale) had prevented, and may yet chance to remedie.

* 1. Cor. 9. 16. 2. Tim. 4. 2. 3. 4. *Sixtly*, That *a * necessity is layd upon them, even by God and Christ himselfe, to preach the Gospell, and to be instant in season and out of season, and a temporall and eternall Woe denounced against them, if they forbeare or give over to doe it upon any unjust inhibition whatsoever*, which can neither nullify, controll nor dispense with the commaunds of God. How then can they avoyd or shunne this woe, if the frowne or unjust suspention of a prophane unpreaching domineering Prelate, may restraine them from this duety, or dispense with this most serious taske *imposed on them * from heaven it selfe.*

* Marke 16. 15. 1. Cor. 9. 15. 16.

2. Tim. 4. 1. 2. 3. 4. *Seaventhly*, That solemne charge that was given them in the name and behalfe of Christ himselfe, yea of the whole Realme and Church of England, and that solemne promise they made before God and the Congregation, when they were first made Ministers; to wit, * *that as they would answer it before Christs tribunall at the great day of judgement, they should and would teach, premonish, feed and provide for the Lords flocke, for whom hee shed his blood, AND NEVER THEIR LABOVR CARE AND DILIGENCE HEREIN, untill they had done all that lyeth in them, according to their bounden duety, to bring all such as were or should be committed to their charge, unto that agreement of faith and knowledge of God, and to that ripenes and perfectnes of age in Christ* (which none of them hath yet done) *that there should be no place left among them, neither of errour in Religion, or for viciousnes of life; and that for the same cause they should and would forsake, and sett aside* (*as much as in them lyeth*) *all worldly cares and studies, and give themselves WHOLLY to this*

* See the Booke of Ordination of Ministers.

this thing, and draw all their cares and studies this way and to this end, and that they should and would preach, and be faithfull dispensers of Gods Word in their Congregations; which charge being layd upon them by the Bishop at their ordination in the name of Christ, by the whole * *Church and State of England, and the Booke of Ordination (confirmed by three severall Acts of Parliament, the 8 Canon*, and their owne subscriptions to it;) and they particularly promising in a most solemne maner, *to performe it to the uttermost of their power.* How any Bishop can by Law suspend them from preaching as long as they continue Ministers, and are not actually degraded or deprived of their livings, for some just or lawfull cause, warranted by an expresse Act of Parliament; or how any godly Minister in point of Law or Conscience, can give over his preaching or Ministry upon any unjust suspention, inhibition, excommunication or commaund of any Bishop, Visitor, or Ordinary (who cannot countermaund this charge or Booke of Ordination, ratified by 3 Acts of Parliaments) I cannot conjecture.

* 3. & 4. Ed. 6. c. 12. 5. & 6. Ed. 6. c. 1. 8. Eliz. c. 1.

Finally; That if Ministers will thus suffer, every Bishop at his pleasure, without any speciall Commission from his Maiesty, vnder the great Seale of England, or any just cause in point of Law, upon every humor, fancy, or new minted Article of his owne (which by the Statute of 25. *H. 8. c. 19. and the 13. Canons resolution*, yea and his *Maiesties too, in his Declaration before the 39. Articles, hee hath no power to make*) to suspend, excommunicate, and put them downe from preaching, then it will be in the Bishops power to suppresse and alter Religion at their pleasure, without his Maiesties or a Parliaments assent, and so all shall hang vpon their wills, who have no power at all, either by the Lawes of God or the * Realme, to institute any new rites, Ceremonies, Articles, Canons or Injunctions, or to alter or innovate any thing in Religion, much lesse to suspend or silence Ministers? Wherefore in case our Prelates presently revoke not these their anti-christian, illegall suspentions, inhibitions, injunctions, or other Censures, to hinder Ministers from preaching,

* *See.* 25. *H.* 8 c. 19. 1. *Eliz.* c. 1. 2. 13. *Eliz.* c 12. *Can.* 1603. *Can.* 1. 13.

ing,

ing, I hope every Godly Minister, who hath any care; either of his owne soule, liberty, people, any love at all to God or Religion, any zeale or courage for the truth, or desire of the good, either of Church or State, taking these considerations into his thoughts, and finding the Bishops Jurisdiction and proceedings to have no lawfull warrant, either from the Lawes of God or man, will readily protest both against their usurped authority and proceedings, as meere nullities and vanities, and proceed to preach, pray, and doe his duetie, as the Apostles and * Martyrs did of old, without any feare or discouragement; that so Gods judgements, Plagues and punishments, which the Prelates late practises, with the Ministers silence and cowardize, and all our sinnes have drawen downe upon us, may be asswaged and removed, and wee may ever retaine the Ordinances and Word of God among vs, in purity, power, sincerity and plenty, both to our present and future happines. I shall close all with this Syllogisme.

** Who had never beene Martyrs had they beene such favorors cowards as most Ministers ate now.*

That calling, authoritie and jurisdiction, which obliterates, persecutes, suppresseth, oppugneth the very Law, Gospell and word of God, with the frequent powerfull preaching, preachers and professors thereof is doubtles, not of divine right or institution, but Anti-christian and Diabolicall, 1. Thess. 2. 14. 15. 16. Rom. 2. 13. 10. Iohn 8. 39. to 48. 1. Tim. 3. 1. to 7. Tit. 1. 5. to 10.

But this doth the calling, authority and jurisdiction of Lord Archbishops and Bishops, as the premises, and all stories witnes, especially our Booke of Martyrs.

Therefore it is doubtles not of divine right or institution, but Anti-christian and Diabolicall.

If the

If the Minor be not sufficiently evidenced by the Premises, by the silencing of many Ministers, suppressing of so many Lectures throughout the Realme, give me leave to instance but in two fresh examples more.

The *first, in Doctor Peirce, Bishop of Bath and Wels*; who in his Visitation in the midst of August last expresly *prohibited* all Ministers in his Diocesse *to preach on the Lords day afternoone*; threatning some Ministers *to suspend them both from their office & Benefice, if they durst presume to preach any more on the Lords day afternoone*; without alleadging any Law or Canon, (which there is none) or any danger of bringing or spreading the plague, (which there is not feared,) but onely out of his malice to preaching; and to deprive poore people of the spirituall food of their soules: to affront the *Statutes of 5. and 6. E. 6. c. 1. 3. and 1. Eli. c. 2.* which require *OFTEN PREACHING AND HEARING of the Gospell, upon every Sunday and Holy day*, and prescribe *preaching* twice a day, as well, as much, as *Common-prayer*, coupling them together in the same words to oppugne the *Homily of the right use of the Church*, p. 3. 4. 5. which prescribes and enforceth, *the dayly and continuall preaching of Gods word, and specially on the Sabbath-dayes, from our Saviours and his Apostles owne Precepts and Examples*; to make all Ministers perjured, who at the time of their Ordination make a solemne promise and covenant before God, *diligently and painefully to instruct their people, & never to give over preaching, &c.* (as the *Booke of Ordination*, and the Church and State of England, both in and by it injoyne them,) and to spite *S. Pauls* himselfe: who *as by the space of three yeares together, hee ceased not to warne every one Night and Day* (therefore hee preached Evenings as well as mornings) *publikely & from howse to howse*. Acts. 20. 20. 31. So hee chargeth *Timothy*, and in him all Ministers, *To preach the word instantly in season, out of season (that is, on Lords dayes*, and weekedayes; Morning, and Evening, yea and at Midnight to if need be; in times of prosperity and adversity; of health and pestilence, when preaching is most seasonable to

raise men from their sinnes ;) 2. Tim. 4. 2. which Apostle were hee in this Bishops and some other of his Brethrens Diocesse, they would schoole him roundly for such good doctrine, and stop his mouth , to prevent the great mischeife of often preaching, yea of our Saviour Christ himselfe , and his Apostles, were now among our Prelates and should * *preach DAYLY in our temples* , as they did *in the Temple* of Ierusalem and Jewish Synagogues, I feare me they should be all silenced, suspended, and laid by the heeles for their paines, by our Rare-preaching Lordly Prelates, since they thus use our painefullest Ministers even for frequent preaching ; If I should demaund of them by what Law of God , or the Realme ? by what Canon of the Church , or by what speciall commission from his Majesty , under his greate Seale ? (without which their *Lordships* ‡ *cannot by Law suspend or silence any Minister, nor keepe any Visitation without the danger of a Præmunire which they have all incurred* ;) I feare me they would be as much, as any Minister they have put to silence : And till they can shew such Law , Canon , and speciall Commission (which not one of them can doe) hee is not worthy the name of a faithfull Minister , that will sit downe silent altogether , as too many doe, to their eternall infamy or slack downe their former frequency and diligence in preaching , upon the proudest Prelates bare Mandate , especially in these dayes of Pestilence and Mortality.

* *Luke.* 19. 47. *Acts.* 2. 46. c. 3. 4. & 5. *The Homily of the right use of the Church p.* 3. 4.

‡ 25. H. 8. c. 19. 37. H. 8 c. 17. 31. H. 8. c. 10. 1. E. 6 c. 2. 1. *Eliz.* c. 2. 5. *Eliz.* c. 1. 8. *Eliz.* c. 1. *and the Patents to Coverdale and Story.* 5. E. 6. *pars.* 1.

The second instance is , the suppressing of *Master John Rogers* Lecture of Dedham in Essex about the same time, continued so many yeares together with so good successe that he hath converted more soules to God , and brought more to heaven, then all the Lord Archbishops and Bishops Sermons from Queene Maries dayes till now ; many of which though they have lived long , cannot I presume name so much as one Soule they have truly converted, either by their life or doctrine, though they have murthered and starved thousands. The Pretence of suspending this our Lecturer is , the great good will the Bishops beare to the Townesmen and Puritans (so they tearme them)

of

of *Dedham*, over whom they are * *jealous with a godly jealosie*, to wit, leaſt the continuance of this Lecture ſhould draw the Plague to the Towne. But is this thinke you the true cauſe? If ſo, why then let me propound but 6. or 7. queſtions to our Prelates who are ſo carefull of mens bodies, that they are altogether careleſſe of their Soules. * 2. Cor. 11. 2.

Firſt, Hath not the Lecture beene the greateſt bleſſing that ever this Towne enjoyed? the cheife meanes that hath enriched it, and ever ſince its erection waided of the Peſtilence from it, yea in the laſt great Viſitation when there was more danger? If ſo, as all the Towne and Country will averre, why ſhould it be peſtiferous or infectious now?

Secondly, Where did ever their Lordſhips read, that powerfull preaching was a meanes to attract or draw the peſtilence to any Towne or Pariſh? or the ſuppreſſing of preaching and Lectures an Antidote or Preſervative againſt it? What Divine, Phyſitian, Philoſopher, or Hiſtorian, yea what Epicure or Atheiſt ever taught ſuch Doctrine till our preſent new Doctors and Lord Prelates? † *Levit.* 26. 25. *Deutr.* 28. 20 21. 60. 61.

Thirdly, Whether the reading of Common prayer and Homilies be not as apt to bring and increaſe the Plague, as preaching and Lectures, and the one as peſtiferous as the other? If not: then why doe they put downe and prohibit publike faſting and prayer, as infectious in this peſtilence, uſed as a preſervative, medicine and cheife cure in all others as well as preaching? yea how can they proove, that one of theſe is more apt to attract and diffuſe the Plague then the other? If ſo then; why doe they not put downe Common prayer and Homilies in all places infected, or in danger of infection, as well as preaching, (the one being as peſtiferous, as peſtilentiall as the other,) and ſo make us all true Atheiſts or Infidels, giving God no publike worſhip at all? 1. *King.* 7. 37. 38. 2. *Chron.* 7. 13. 15. 78. 50. *Pſ.* 126. 21. 29. *Ier.* 14. 12. 11. 12. *c.* 21. 6. 9. *c.* 29. 17. 18 *c.* 32. 24 36 *c.* 38. 2. *c.* 42. 17. 22 *c.* 44. 13. *c.* 34. 17. *Ezech.* 5. 12 *c.* 6. 12 *c.* 7. 15 *c.* 12. 16 *c.* 33. 27. *c.* 38. 24. *Amos* 4. 10.

Fourthly, Whether the putting downe of Lectures and preaching hath beene a meanes to ſtay, keep off, or ſpread the Plague, or rather to increaſe and attract it? Religion teacheth us that were there is * *moſt ſinne and wickedneſſe abounding*

ding, leaſt knowledge and ſervice of God, there is moſt danger of the plague, and the experience prooves it true for the moſt part, it ever raging more in the diſorderly ſuburbs of London, where they have uſually leaſt and worſt preaching, more then in the City, where is better governement, life and preaching. Powerfull preaching therefore being the cheiſe * *meanes to turne men from their ſinnes and evill lives, and winne them unto God*, and the ſuppreſſion of it a meanes to continue and harden men in their evill wayes; it muſt neceſſary follow, that frequent powerfull preaching, is an antidote and cure againſt it; and the ſuppreſſion of it, the high way and meanes to bring it. If reaſon be not ſufficient, let late experience inſtruct us thus much. The Lectures of *Chriſt Church*, *S. Martins* and others in London, were put downe by the Biſhops this Peſtilence, to prevent the bringing of it into theſe Pariſhes: the very ſelfeſame weeke God ſends it unto them, and now it ſpreads among them much: But in *S. Antholines* Pariſh and ſome others, where the Lectures yet continue, (in the firſt every morning) no Peſtilence (bleſſed be God) hath hitherto beene heard off: The Lecture of *Blackfriers* on Wedneſdayes, at *S. Cathrines* in the ſame day, with ſome other have beene ſuppreſſed to prevent the Plagues increaſe, after its invaſion of theſe Pariſhes, to the intollerable greiſe both of Miniſter and people: yet the plague in thoſe pariſhes hath ſince every weeke increaſed and ſpread further. At *Weſtminſter* upon the firſt comming of the Plague, they gave over all preaching even forenoone and after-noone on the Lords day, thinking by this remedie to ceaſe it; (a preſident hardly paralleld in any age;) but what followed thereupon, the Bils ſince have beene doubled and trebled, and more have there died every day ſince, then did in a whole weeke before. This therefore is but a Prepoſterous remedy, and a vaine pretence to beguile little children, and fooles with all.

* *Acts.26. 18. c. 37. 38.*

Fifthly, What place is there neere to Dedham from which that lecture ſhould draw the infection? were it in all or ſome of the neighbouring Pariſhes, there might be ſome colour for ſuch a pre-

a pretext, and yet not sufficient to put downe the Lecture, since men of those Parishes might be prohibited onely from it, and all else have accesse unto it: But since it is not so neare that Town (God be blessed for it) as that there is any such feare of infection, this pretext can be but a meere cloake of wickednes to countenance a worse designe.

Sixtly; Whether they hold not great *Banquetting*, *Maskes*, *Dauncing*, *Playes* and *Enterludes*, as pestiferous and infectious, as Preaching and Lectures: and the famous *Vniversity of Oxfords* health and immunity from the Pestilence, as much to be respected as the poore Towne of *Dedhams*? If any scruple be made of the former part of this Question, his *Majesties and their owne Booke of Common prayer for the Fast the last great pestilence* 1. *Caroli*, (which † *prohibits all Playes, Maskes, revellings, Dauncing, Pastimes and Banqueting, as causes of the plagues, both beginning, spredding and continuance, and the proper sinnes of our Nation, which have made us a Proverbe and By-word to all other neighbour-Countries,*) compared with Isay. 5, 12. 13. c. 22. 12, 13. 14. & c. 32. 13. 14 Amos 6. 1. to 12. Exod. 32. 19. to 35. 1. Cor. 10. 5. 6. 7. Iam. 5. 1. 5. 6. Revel. 18. 7. 8. and many presidents cited in a late Tract against Stageplayes and enterludes, will put it out of doubt. Of the latter part of this Quære there can be no question, unlesse the Bishops be very unnaturall, to love a stranger better then their own Foster-mother, and weavers, Clothiers, more then Schollers. If then excessive *Feasting*, *Masking*, *Enterludes*, *Dauncing and Epicureanpomp*, *the* * *very workes of the flesh*, (and therefore most unseemely of all others for those who terme themselves *spirituallmen*, yea workes that *shut men out of heaven*, and therefore not fit for those who professe they have the keyes to let men into heaven) bee more pestiferous and apt to bring the Pestilence, then Preaching; and *Oxford* to be preferred before *Dedham*; what is the reason that our great Lordly Prelates in these dangerous times of mortality (when as they should

† *The Exhortation, and Orders at the end.*

* *Gal.* 5. 21.

be all in sable, fasting, praying, weeping and mourning with the people of their Dioceſſe, and refreſhing their ſtarved bodies with that prodigall expence they have there caſt away) have (to the great ill example of all other people, & grieving of the ſoules of all who are ſenſible of the Plagues we now grone under) beene ſo lately ſetting up and practiſing the one, at *Oxford*, to draw the Peſtilence thither; and putting down the other at *Dedham*, to keep the Peſt from thence? When as ſundry *Councels* in all ages, have *ſtrictly inhibited Biſhops and Miniſters, neither to be Exhibiters, ſetters out, or ſpectators, but diligent ſuppreſſors, yea cenſurers of the one* (eſpecially in mournfull times of Plague & Mortality which ſummon all men, but [a] Gods *Miniſters above others, to weeping, ſackecloath and baldnes, to turne their laughter into heavines, and their joy into mourning;*) *and inſtant both by preaching and Eccleſiaſticall Cenſures, to draw all men from them; but furtherers and ſetters up of preaching, yea of preaching twice a day,* (and that principally in times of humiliation) *which they now ſuppreſſe.* Alas! is the piety & zeale of thoſe Lordly Pontificians, who will needs claime all their Epiſcopalities by *a divine right*, degenerated to this Epicurian reſolution; [b] *let us eate and drink*, let us Maske and Play, let us feaſt and keep Revell-route, *for to morrow wee ſhall die?* Are theſe the ſermons, the good inſtructions they preach to King, Queene, Nobles, Miniſters, Schollers, People in theſe peſtilentiall times? Muſt they be feaſting, banquetting, laughing, masking, playing, piping, dauncing, when all others are weeping, faſting, mourning, at leaſtwiſe gladly would be ſo, and that in publike (as they have reaſon) were it not for them? certainly if S. *Bernard* were now alive, and ſaw ſuch Prelates, he would be ſo farre from thinking them Gods Biſhops, that he would undoubtedly define *them to be the Devils*, yea and ſtile them [d] *Devils too*, *and murtherers of mens ſoules.* Who having now taken the higheſt degree at the Univerſity, that ever the Schooles of Bacchus, Venus, or Epicurus can

[a] *Conc Laodicenum Can. 54. Carthag. 3. Can. 11. Agathenſe. Can. 39. Conſtantinop. 6. Can. 24. 51. 62. Nicenum. 2. Can. 22. Turonenſe. 3. Can. 7. with ſundry others Bochellus. l. 6. Decr. Eccleſ. Gal. Tit. 18. 19. l. 4. Tit. 1. 7. l. 8. Tit. 10.*

[b] *Iſay. 22. 12. 13. Joel. 2. 16. 17. Jam. 4. 9.*

[c] *Iay 22. 13.*

[d] *Sic facit Ieſus bodie, multos ſibi eligens Diabolos Epiſcopos, Sermo in Concil. Rhemenſi & ad Clerum.*

can afford them, may be rather deemed their professed *Chaplains*, then Christian *Bishops*. Yet mistake me not, as if I thought it unlawfull for a Prelate or Vniversity, to entertaine their Prince; farre be it from me or any other to harbour such a thought: But to doe it now at such a time, in such a Pontificall, Epicurian maner, with most prophane and impious Enterludes in contempt and derision of all purity, piety and religion, is the onely thing, which not I alone, but the whole Kingdome generally crie shame on; banquetting, masking, feasting, Revelling, being altogether unsuitable, if not unlawfull to a Christian, a Prelate, a Vniversity, in a time of such generall weeping and mourning, when * *most hearts* (but stony ones) *are sad, and many poore mens faces gather blacknes*, even for very hunger, with which too many perish; whose lives this prodigality would have preserved. * *Joel. 1. & 2.*

Seaventhly, If the Bishops have so much fatherly care to keep off the plague from our *Precisians*, and *Puritans* of *Dedham* (so they tearme us) as to put downe our Lecture, (yea Sermons on the very solemne *Fast-day*, where there is any infection, as if the sick needed least spirituall phisick and instruction) to keep us from the Plague, what is the reason they have so little care of those of our Religion and profession, whom they have mewed up in severall prisons in London? Why have the Priests and Iesuites in the Gatehouse and elsewhere (though * *Traytors to his Maiestie and the Realme*, and some of them condemned men,) with all other prisoners there, liberty granted them to goe abroad this time of Pestilence, and yet *D. Bastwicke*, convicted and censured onely for shewing himselfe a true subject to his Soveraigne, in defending his Majesties Ecclesiasticall Iurisdiction, against the Popes and your encrochements, (with other of your High-commission Prisoners,) no leave at all to retire himself into the fresh ayre for his safety; It being now, as it seemes, a great deale better to be an open Traytor to his Majesty, or the State, then a meere opposite onely to these our Lordly Prelats, even in their intollerable usurpations both upon his Majesties Royall Prerogatives, * *27. Eliz. c. 1. 2.*

and his subjects liberties? Why have you given speciall command, that *Mr. Brewer*, committed * close prisoner by you to the *Kings bench*, for the same cause, should there be detained still, and not remoove with the other prisoners, when as he had obtained licence to goe into Oxfordshire with his fellow prisoners, that so the plague, which environs both those prisons, might sweep away both these Prisoners and ease you of them? Why doe you still detaine others of your commitment in these and other prisons, of purpose to murther them as much as in you lieth with the pest, when all else that are willing, are set free and walke abroad into the Counrry for their health? Why detaine you *D. Layton* in the *Fleet*, and *Mr. Prinne* in the *Tower*, notwithstanding some *Nobles* mediation for the enlargment of the one, and the *Queenes* most gracious interceſſions for the other, whose Princely clemency and pitty, to those of a different religion, is an everlasting foyle to your unchristian mercies and barbarous inhumanity, to those of your owne faith and profession. Is this your Episcopall pitty, mercy, grace, and goodnes; that when all men else can find favour and relieſe, yet those whom you unjustly persecute, restraine or malice without cause, must finde none at all, no not though King or Queene desire it? What, is your Pontificall malice now swollen greater then their Royall grace and goodnes? Never therefore dissemble more with the world and us, that you have put downe our *Dedham*, or other Lectures, out of any love to us, or care of our, or their safety, as you pretend, to keep the pestilence from us, or them; but confesse you have done it out of the malice of your hearts, against preaching, if not to bring the plague and pestilence (as much as in you lies) even upon our soules and bodies, as you endeavour to do upon these poore prisoners thus detained by you, which these times of plague and fasting call upon you to * *set free*. But take heed least whiles you seeke to put downe preaching and fasting, by such ungodly meanes and pretences, to keepe off the plague from us and others, you draw it not downe, both on us and your selves. I have already informed you of many Bishops, who

* *Though their Commission give them no power to close imprison any man, yet now their common practise is to do it.*

* *Isay 59.6,7.*

who have perished of this disease, I could acquaint you yet with more, as * *The Bishops of Colen, Spire, Ratisbon, Prague, Verden and Leodium all swept away in An.* 1169. o *Hildewardus Bishop of Hildesheim, An.* 996. with many others; let their examples be your warnings; and if you will proove your calling to be of God, then henceforth learne to preach, not to suppresse his word; to be* *mercifull as he is mercifull*; else all will henceforth conclude, that you are of your (*i*) *father the devill, for his workes you doe: He was a murtherer from the beginning of mens soules and bodies*, and so are you.

* *H. Mutius Germaniæ Chron. l.* 18. *p.* 152, 153.
* *Saxoniæ Chron. Cent. Magd.* 10. *Col.* 622.
Lu. 6. 36.
(*i*) *Joh.*8.44.

Now if your Holinesses or any other deeme this censure of mine over-harsh, one that was once of your owne Rochet, and after that a Martyr, (*k*) (*Bishop Latimer*) will assure you; *that it was the very devill himselfe, not God, that set up the State of unpreaching Prelacy, and that it is he alone who stirs these Prelates up to persecute and suppresse the preaching of the Gospell under the Title of Heresie, and schisme, and ill Magistrates to doe the like under the Title of sedition*; and our learned (*l*) *Thomas Becon*, as he affirmes and proves at large, *that the first and Principall point of a Bishop and spirituall Ministers office, is to teach and preach the word of God; so he resolves, that such a Bishop as either doth not, or cannot preach, is a Nicholas Bishop and an Idoll, and indeed no better then a painted Bishop on a wall: yea, he is as the* (m) *Prophet saith, a dumbe dogge, and as our Saviour Christ saith* (n) *unsavourie salt, worth nothing but to be cast out, and to be trodden under foot of men. Woe be to those Rulers that set such Idols and white-daubed walls over the Flocke of Christ, whom he hath purchased with his precious blood. Horrible and great is their damnation. Our Saviour Christ saith to his Disciples* (o) *As my Father sent me, so send I you. Now who knoweth not, that Christ was sent of his Father to preach the Gospell, as we may see in* (p) *divers places of the holy Scripture. It therefore followeth, that such as are sent of Christ are sent to preach the Gospell. If they preach not* (the case of many of our Lord Prelates) *it is an evident token, that Christ sent them not*, BVT ANTICHIST *and* THE DEVILL. Thus and much more *Becon*, who tells these unpreaching

(*k*) *Sermon* 4. *before King Edward.*
(*l*) *His Catechisme, vol.* 1. *fol.* 500.
(*m*) *Isay* 56. 10.
(*n*) *Math.* 5. 13.
(*o*) *Joh.*20 21
(*p*) *Isay* 61. 1. *Mar.* 1. 38. *Luke* 4. 18, 19 31, 43, 44.

ching Prelates in plaine termes; *that nothing abideth them but everlasting damnation.* What then will become of our great Lord Prelates, who will neither preach to the people themselves, nor suffer others who are willing, to doe it; stoping up our preachers mouthes with their illegall, unchristian, antichristian suspenions and excommunications, yea, expresly prohibiting all preaching in these dolefull mortiferous times of Plague and pestilence, and that on the very Fasting-dayes, for feare it should infect mens soules and bodies? when as the whole * *Councell of Paris under Lewes and Lotharius, Anno* 829. l. 1, 2, 5. decreed the quite contrary, in these very remarkable termes. *Statuimus pari voto, parique consensu, ut unusquisque nostrum dictis & exemplis, plebes parochiæ suæ attentius ad meliora incitare studeat, easque ut se a malis cohibeant, & ad Dominum ex toto corde convertant, solicite admoneant, Deumque quem peccando sibi iratum fecerunt, digna pœnitentiæ satisfactione & eleemosinarum largitione, sibi placabilem facere satagant &c. Cum itaque Prædicatores* SINE CESSATIONE POPVLO DEI PRÆDICARE NECESSE SIT, *juxta illud Esaiæ* * Clama, NEECSSES, *quasi tuba exalta vocem tuam, & annuncia populo meo, scelera eorum, & domui Iacob peccata eorum:* TVM MAXIME ID FACERE NECESSE EST, QVANDO IRAM DOMINI CONTRA POPVLVM DEI, *meritis exigentibus,* GRASSARI PERSEPXERINT, *juxta illud quod Dominus per Ezechielem Prophetam loquitur. Ezech.* 3.17.18.19.& c.33.7,8.9. 10,&c. At which our silent and silencing Prelates and old doting *Shelford Priest,* may well blush for shame, especially if they peruse the 23, 24, 25. 28, 29. and 31. Chapters of the same Councell following. And good reason, for the very Romish Prelates in the (q) *Concell of Trent,* as lewd as they were, had so much ingenuity as to decree. *That the preaching of Gods word was the principall part of a Bishops Office, belonging especially unto them, and that it ought to be exercised as frequently as might be, for the salvation of the people; and thereupon enjoyned all Bishops in proper person, or in case of inevitable occasions, by their sufficient substitutes, and all Ministers in every Parish to preach*

* *Surius. Tom. 3. p. 464.*

* *Isay 58.*

q *Sessio. 24. Decretum de Reformatione. c. 4.*

preach every Lords-day and Holy-day at the least; and in the time of Fasts, (as of Lent, Advent, and the like) QVOTIDIE, VEL SALTEM TRIBVS IN HEBDOMADE DIEBVS, *to preach every day, or at least three dayes every weeke, and at other times also as often as oportunity would permit, and to Catechise the people besides. If this Popish Councell then prescribes all Bishops and Ministers whatsoever, thus constantly and dayly to preach Gods word, (especially on Lords-dayes, Holy-dayes and Fasting-dayes) without intermission*; our Lordly, lasie, Loytering Prelates, who will neither thus preach themselves, and prohibit others to preach thus frequently and daily on these seasons, or in any infected Cities on our Solemne Fasting-dayes; are certainely not onely farre worse then these *Trent Prelates*, but even as bad or worse then *the very Devill himselfe* (as *Bishop Latimer proves* at large *in his Sermon of the Plough*, which I would wish them seriously to peruse:) yea, they are meere Rebels, Traytors and enemies to God, his Church, Religion and the peoples soules. And can they then be ever true, loyall or faithfull to their Prince? No verily. Not to mention all *the* (r) *conspiracies, Rebellions and Treasons of our owne or forraigne Prelates against their Soveraignes in all ages*, enough to fill a volume as large *as Baronius his Annals*; I shall instance onely in three late examples. Anno 1536. *Christian the 3. King of Denmarke*, (our King *Charles* his great grand-father by the mothers side) *imprisoned all the seaven Bishops of Denmarke, for their severall Treasons, Rebellions conspiracies, and insurrections against him, the Kingdome and Christian Religion, and for usurping regall authoritie, with* (t) *the rule of the Kingdome to themselves alone, and publishing Edicts in their owne names as the Senate of that Realm* (*as* our Prelates do now in their visitations & Consistories) *against the Ministers and Professors of the Reformed Religion. All which this King caused to be drawne up into a Remonstrance, which lasted three houres reading, and on the* 10. *of Auguſt Anno* 1537. (*two dayes before his Coronation,*) *he caused a scaffold and Throne to be erected in the most publike place of Hafnia the Metropolis of Denmarke; where he sitting with all his Nobles*

r See Balæus de Ritis Pontificum, Fox Acts & Monuments, Mr. Tyndals Practise of Popish Prelates, Dr. Barnes his supplication to King Henry the 8. Godwins Catalogue of Bishops.

t Chytræus Chron. Saxoniæ l. 14. p. 407. 421. l. 15. p. 433. 434.

Nobles and Senators in State; caused this remonstrance of these Prelates detestable Treasons, Conspiracies, Rebellions, and disloyall usurpations on the Crowne, to be read publikely before them and all the people, declaring, that for them he had imprisoned the Bishops, and demanding the Nobles and people, whether they desired that these trayterly Prelates should any more sway the Common weale of the Kingdome, or be restored to their former dignity and power? Whereupon they all cryed out, No, and that they would be no longer molested with this Antichristian trayterly generation of Vipers. Which ended, a publike Decree or Act of State was made by their unanimous consents, that these Bishops should be removed, and that the politicall office and power of Bishops should be thenceforth wholy abolished out of the Realme, which was forthwith put in execution; the Bishops removed, their temporalities and revenues confiscated to the King, and seven Superintendents, being but ordinarie Ministers, ordained in their steed. And thus was Denmark freed from trayterly Prelates by our Kings great grand-father, after it had been long oppressed by them (t) *Anno Domini* 1571. *Iohn Hamilton Archbishop of Saint Andrewes in Scotland, was apprehended, arraigned, condemned and hanged at Sterling, by Mathew Steward then Viceroy during King Iames his minority, for two notorious successive Treasons: the first, for conspiring and having a chiefe hand in the Murther of Henry Steward King of Scots, father to our late King James of famous memory, and grand-father to our present Soveraigne King Charles. Anno* 1565. *& for causing Iames Earle of Murre, Viceroy of Scotland during King Iames his infancy, to be traiterously murthered likewise Anno* 1567. *For which Treasons, not long after all, Lord Bishops were thrust out of Scotland, by King Iames and the whole Parlements consent, (though since restored) as Traytors to their Princes, contrary to Christs institution, as the chiefe suppressors of the preaching of the Gospell in all Countries.* (u) *Gustavus Ericus that famous King of Sweden, banished, deprived, hanged up and beheaded some of his Archbishops and Bishops for their many execrable Treasons against himselfe, and the whole Realme, and refused to be crowned, before he and the whole State of Sweden had by*

(t) Chytreus Chron. Saxoniæ l. 21. p. 641. Bucanon Rerum Scotarum. l. 18. & 18. Paltricy Adamsoni Talinodia & Melvini celsæ Commissionis Anatomia.

(u) Chytræus Chron. Saxoniæ l. 6. p. 49. l. 7. p. 219. 220. l. 9. p. 259. 261. 262. 263. 270. 275. l. 10 p. 297 309. 311. 340. 341 342. l. 12 p. 358. 359 l. 13. p. 388.

*by publike Act of Parleament, (though with much oppoſition of the Prelates) ſtripped the Prelates of Sweden of their exceſſive temporalities, revenues, wealth, and all temporall * Offices and Juriſdiction, which made them oft times to rebell againſt their Princes, Kings and Magiſtrates, to ſtirre up many ſeditions, and to moleſt that Realme with almoſt continuall and dayly warres and ſchiſmes, for about an hundred yeares then laſt paſt, and had and did make them ſlow bellies, and unpreaching Prelates, ſerviceable neither to God nor man either in words or deeds, ſerving rather to intice them to riot, pride, idlenes, and ſeditions, then to true piety; and having no Title in the word of God to warrant them.* Since which the Prelates in Sweden, ever rebellious and ſeditious to their Princes before, have beene more dutifull to their Soveraignes, and entermedled onely with their ſpirituall functions, which they altogether neglected while they were Lords. Theſe three late examples of his Majeſties royall Progenitors, (to omit [x] others) as they may inſtruct all Princes how falſe that idle Paradox of the Prelates is, *No Biſhop, no King*, the contrary being an experimentall truth, and how little truſt and fidelity there is in Lordly Prelates (who have ever beene treacherous to their Soveraignes when and where they have born greateſt ſway.) So they may move his Majeſty to follow [y] *Father Latymers* councell *to King Edward the 6, to unlord all our Lordly Biſhops, and remove them from all their temporall offices and imployments, that ſo they may follow their ſpirituall Plough-tayle, (which they will ſcorne to doe, as long as they are Lords, it being an unſeemely and diſhonourable thing for Lords to goe to plough;)* and no longer ſilence their fellow Brethren, oppreſſe, moleſt and vex his faithfull Subjects, and roote out all powerfull frequent Preaching and Preachers of Gods word, as now they doe: From which kind of Lordly Prelates with their Antichriſtian Romiſh practiſes and Innovations now on foote, *Good Lord deliver us*; ſince they have neither Gods nor the Kings Law to authorize them, or ſupport that uſurped Papall tyrannicall Iuriſdiction which now they exercite, under which the whole Kingdome groanes and languiſheth, deſiring

* *Qui ſacris Officiis ob meritorum prærogativam ſunt applicati, dedecus et valde periculoſum eſt, terrenis actionibus, turpibuſque lucris eos implicari Concil. Pariſ. Anno 829. l. 1. c. 28. Surius Tom. 3. p. 376.*

x *See Mr. Tyndals Practiſe of Popiſh Prelats, Dr. Barnes his Supplication to Henry the 8. Henry Stalbridge his exhortatorie Epiſtle. Antiqui Eccleſiæ Brit. et Godwins Catalogue.*

y *Sermon of the Plough & 2. 4. 5. 6. before King Edward.*

to be unburthened of it, as an intollerable yoake of bondage, which it can no longer beare, as now it is aggrevated I shall therefore close up all, with the Canon of the *Councell of Paris* [a] *under Lewes and Lotharius*, An. 829. [z] l.1.c.23. worthy our domineering proud Prelates most serious rumination. *Quia sunt plerique qui non paternũ affectũ circa gregem sibi comissum sed quendam exercere videntur Dominatum eumq; non ut Dominicum, sed flatibus vertosæ arrogantiæ inflati, ut suum proprium tractare non verentur. Quantum a paternitatis officijs aberrent, subter collecta documenta declarant. Dominus in Evangelio. Si diligis me, pasce oves meas: MEAS inquit, non TVAS. Item*, qui major est vestrum, erit minister vester: *Et non post multa.* Non ita erit, *inquit*, inter vos. Sed qui voluerit inter vos major fieri erit vester servus. *Petrus*, Neque dominantes in clero sed forma facti gregis ex animo. *Solomon*, Principem te constituerunt? nolli extolli, sed esto in eis, quasi unus ex ipsis. *Fulgentius in libro de veritate prædestinationis et gratiæ; Non ideò, inquit, se solùm quilibet episcopus* vas misericordiæ putet in gloria præparatum, quia pontificali * militia fungitur, sed si pro grege sibi redito solicitus SEMPER invigilet, et PRÆDICET VERBO, instet opportunè, impertunè, arguat, obsecret, increpet in omni patientia et doctrina. Nec sibi dominatum superbus usurpare contendat, sed Apostolicis informatus eloquijs et exemplis, servum se cunctis exhibeat, neque sedis illius altitudine, collatum sibi gaudeat temporale fastigium, sed humili corde fidelibus Præbeat bonæ conversations exemplum. *Quicunq; igitur sacris officijs servituri, sub quolibet ordine applicantur, dignum est, ut illius dicantur, cujus servitio mancipantur, Quia ergò temeritate, immò PRÆSVMPTVOSA VANITATE quilibet prælatorum dicere præsumit; Illa congregatio mea est, aut Ille presbyter vel Clericus meus est, cum NON SIT ILLIVS SED ILLIVS CVI DICATVS EST? Proinde quia is inolitus sensus ecclesiasticæ non concordat regulæ, corrigatur NECESSE EST.*

[a] Surius Tom. 3. p. 374.

Iohn. 21.

Acth. 20.

1. Pet. 5.

Eccles. 32.

* Mitra.

Tim. 4.

Christian

Christian Reader, this passage should have been inserted p. 123. l. 27. after *mistake not.*

I shall close up this, concerning the power and right of Ordination, with these ensuing Authorities and memorable examples. *Anno Dom.* 1389. *the Lollards, Wiclifs-disciples* (as [a]*Walsingham* records) *winning very many to their Sect, grew so audacious; that their Presbiters like Bishops, created and ordayned new Presbiters; affirming, that every Priest had received as much power to binde and loose, and to minister other Ecclesiasticall things, as the Pope himselfe giveth or could give. This power of Ordination they exercised in the Diocesse of Salisbury: And those who were ordayned by them, thinking all things to be lawfull to them, presumed to celebrate Masses, and feared not to handle Divine things, and administer the Sacraments. This wickednes* (writes he) *was discovered by a certaine man Ordayned a Minister by them, to the Bishop of Salisbury at his Mannor of Sunnyng:* By which it is apparent, that the *Lollards* and *Wicleniists*, (the Protestants of that age) beleeved, that the power of Ordination belonged as much to Presbiters by Gods Law, as to Bishops; that one of them might as well, as lawfully ordayne Ministers as the other; and * *that as they might lawfully preach the Gospell without the Bishops licence* (first prescribed by the forged *Statute*, of 2. H 5. c. 15. made onely by the Bishops without the Commons consent; to suppresse the preaching of the Gospell,) so likewise ordayne Ministers without it; and that Ministers ordayned onely by Presbyters without a Bishops privity or assistance, were lawfull Ministers, and might lawfully with a good conscience discharge all Ministeriall Offices; This being not onely their received Doctrine, but their practise too. I find moreover that [b] *Januay* 20. 1542. *Nicholas Amsdorffius, a noble and learned unmaried man, was ordayned* B. shop of Newbury, *by Martin Luther, Doctor Nicholas Medler paster of Newbury, George Spalatine of Aldenburge and Wolffgangus Steinius of Lucopetra, joyning with him in the imposition of hands; Which Ordination* Luther *afterwards publikely maintained to be lawfull in a printed Treatise.* Loe here

[a] *Hist. Anglie An.* 1389. *p.* 374.

* *This was the Doctrine & practise of all our Mayrtyrs Fox Acts & Mounments.* 1610. *p* 483. 485. 500. 502. 521. 541. 552. 553. 556. 565. 588. 590. 592 598. 599. 602. 604. 639. 806. 874. 883. 884. 911. 931. 950. 956. 1001. 1006. 1006. 1015. 1016. 1099. 1156. 1868. 1889.

[b] *Chytraus Saxonia. l.* 15. *p.* 456.

wee have Presbiters not onely ordayning a Presbiter, but a Bishop. If therefore the Prelates Paradox be true; *That hee that ordayens, is greater in Jurisdiction and degree, then he that is ordayned.* It will hence inevitably follow, that these Presbiters (and those who ordayned the first Bishops,) were greater in Iurisdiction, degree and order then Bishops; And then farewell their pretended Hierarchie: [c] *Anno Dom.* 1537. *Christian the 3, King of Denmarke, removed and suppressed by a publique Edict, all the Bishops of his Kingdome for their intollerable Treasons and rebellions; abolishing their Lordly Bishopricks, as contrary to our Saviours institution, the meanes that made them idle, proud, ambicious unpreaching Prelates, and sedicious treacherous Rebells to their Princes; and instead of the 7. Bishops of Denmarke, he instituted 7. Superintendents, to exercise the Office of Bishops, give Orders to others, and execute all ecclesiasticall affayres; which 7. Superintendents August 26. 1537. received their Ordination from John Bugenhagius a Protestant Minister, in the Cathedrall of Hafnia, in the presence of the King, and Senate of Denmarke.* Loe here all Bishops cashiered, as false rebellious Ttaytors to their Soveraigne, (as they have [d] *ever beene in all States and ages*, there having beene more notorious Traytors, Rebells, and Conspirators of Bishops, then of all other rankes of men in the world, as I am able to make good,) as *contrary to Divine institution*, (and so not *Jure Divino*, as they now boast;) and Superintendents *ordayned by a meere Presbiter in their steed, to conferre Orders unto others* in all *the Danish Churches.* In [e] *the beginning of reformation in Germany, and other places, Luther and other Ministers, usually ordayned Deacons and Ministers, and set out Bookes of the manner of Ordination, without any Bishops assistance;* Which power of Ordination and imposition of hands, hath ever since beene practised by Ministers in all reformed Churches, which have abandoned Bishops, (Such as ours are, and make themselves) as contrary to GODS Word. *Patrick Adamson* Archbishop of Saint Andrewes in Scotland, in [f] his *Recantation publiquely made in the Synode of Fiffe*, Aprill 8. 1591. confesseth, *That the office of a Dioceſan Bishop*, Omni authori-

[c] *Chytræus ibid p.434.*

[d] *See Centur. Mage. 4,5,6,7. 8.9.10,11. 12.13.c.7.8. 10. Antiquit. Ecclesiæ Brit. and Godwins Catalogue of Bishops.*

[e] *Chytræus Chro. Saxoniæ. l.14.15.16. 17.*

[f] *Patricij Adamsoni Palinodia.p.49.55.*

authoritate verbi Dei destituitur, et solopolitico hominum commento fundatur; *is destitute of all authority from Gods Word, and onely founded in the politick figment of men; out of which the Primacy of the Pope or Antichrist hath sprung, and that it is worthily to be condemned, because the assembly of the Presbitery,* penes quem est Iurisdictio et Inspectio, tum in *Visitationibus*, tum in *Ordinationibus*, *which hath the Jurisdiction and inspection, both in Visitations and in Ordinations, will performe all these things with greater authority, piety and zeale, then any Bishop whatsoever; Whose care is for the most part intent, not upon God, or his function, but the World, which he especially serves.* A fatall blow to our Prelates Hierarchie; For if Lord Bishops be not *Jure Divino*, and have no foundation in the Word of God, then the power of Ordination belōgs not to them *Iure Divino*, as they are Lord Bishops, neither can, do, or ought they to conferre Orders as they are Bishops, but onely as they are Ministers. And if so (as is most certaine) then this power of Ordination belongs not at all to Bishops as they are Bishops, but onely as they are Ministers; and every Minister as hee is a Minister, hath as much divine right and authority to give Orders as any Bishop whatsoever; (the true reason Why anciently among the Papists, as * *Durandus* confesseth, & now too; as the Rhemists witnesse; and § *even in our owne English Church among us at this day, Ministers ought to joyne with the Bishop in the imposition of hands; Neither can our Bishops ordayne any one a Minister, unlesse Three or Foure Ministers at least joyne with him in the Ordination and laying on of hands.* This being an apparent truth, I shall hence, from the Bishops owne principles, prove Presbiters Superior and greater then Bishops in jurisdiction, dignity, and degree. Those (say they) to whom the power of Ordination belongs by divine right, are greater in jurisdiction dignity and degree, then those who have not this power; and the Ordayner, is higher, superior in all these, then the Ordayned. But the power of Ordination belongs *Iure Divino* onely to Presbyters, as Presbiters, not to Lord Bishops, and to Lord Bishops themselves, not as Bishops but Presbyters; and

* *Rationalis divinorum. l. 2. de Sacerdote Rubrica.*

§ *See the booke of Ordination. and Canon. 35.*

Bishops when they ordayne in a lawfull manner, doe it onely as Presbiters, not as Bishops; Therefore Presbiters are superiour to Bishops in jurisdiction, order and degree; and Bishops themselves, farre greater in all these as they are Presbiters (an office of Divine invention,) then as they are Lordly Prelates, or Diocesan Bishops, (a meere humane institution.) Thus are our great Lord Bishops (who * *vaunt of the weakenes of Puritan principles*, Whereas their Episcopall are farre more feeble and absurd,) wounded to death with their owne weapons, and all their domineering swelling authority, overthrowne by that very principle foundation, on which they have presumed to erect it; the ancient proverb being here truly verified, *Vis consilij expers mole ruit sua.* I shall cloze up this with the words of acute [h] *Antonius Sadeel*, Who after a large proof of Bishops and Presbiters to be both one and the same by Divine institution, Windes up all in this manner: *We conclude therefore, seeing that superior Episcopall dignity is to be avowched onely by humane institution*, tantum esse humani Iuris, *that it is onely of humane right: On the contrary, Since it is evident by the expresse testimonies of Scripture, that in the Apostles times, Bishops were the same with Presbiters.* Iure Divino potestatem ordinandi non minus Presbiteris quam Episcopis convenire *that by Gods law, and Divine right, the power of Ordination belongs as much to Presbiters as to Bishops.*

* *See Bishop White his Epistle Dedicatory to the Arch-Bishop of Canterbury, before his Treatise of the Sabath.*

[h] *Responsi. ad Turriani Sophismata pars 2. loc. 18.*

Page 51. l. 17. betweene *same*, and *since*; this should have beene inscribed.

So [i] *Alexander* & *Narcissus* were both *Bishops of Ierusalem at the same time*; *Paulinus and Miletus both Bishops of Antioch together*: *Theodosius and Agapetus were both Bishops of Synada at the same season.* [m] *Valerius and Augustine were both joynt Bishops of Hippo together, by the unanimous consent of the Clergie and people*; and when as Augustine, *was loath to be joyned a Bishop with* Valerius, *alleaging it to be contrary to the Custome of the Church, to have two Bishops in one City*; *they repyled*, Non hoc esse inusitatum, *that this was no unusuall thing, confirming this both by example of the African, and other forraigne Churches*; *Whereuponhee was*

[i] *Eusebius Ecclesiast. l. 6. c. 8. 10. in the Greeke. 7. and 9. in the English.*

[k] *Socrates Eccles. hist. l. 5. c. 5.*

[l] *Socrates l. 7. c. 3.*

[m] *Possidonius in vita Augustini c. 8. Cent. Magd. 4. Col. 679. 680.*

was satisfied. In the [n] *Church of Rome, wee know, there have beene sometimes two, sometimes three, and once foure Popes and Bishops at one time, Some adhering to the one, some to the other; but all of them conferring Orders, making Cardinalls, and exercising Papall jurisdiction.* In the [o] *Churches of Constantinople, Alexandria, Jerusalem, Antioch,* and *Affricke, during the Arrian Macedonian, Novatian heresies and Schisme of the Donatists, there were successively two or three Bishops together in them, and other Cities; the one orthodox, the other heretically and schismatically;* Yea, the first *Councell of Nice Canon,* 7. admitts the *Novation Bishops which conformed themselves to the Church and renounced their Errors, to enjoy the title and dignity of a Bishop, and to be associated with the Orthodox Bishops, if they thought fit; And* [p] St. *Augustine would have the Donatists Bishops (where there was a Donatist Bishop and a Catholicke,) if the Donatists returned unto the unity of the Church, that they should be received into the fellowship of the Bishops office, with the Catholicke Bishops; if the people would suffer it; Poterit quippe unusquisque nostrum honoris sibi socio copulato vicissim sedere eminentius, &c. utroque alterum cum honore mutuo præveniente. Nec novum aliquid est, &c.* As he there defines: Therefore this was then reputed no novaltie. *Platina* [q] records *of Rhotaris, King of the Lombards, who declined to the Arians, that in all the Cities of his Kingdome, hee permitted there should bee two Bishops of equall power, the one a Catholicke, the other an Arian; and that hee placed two such Bishops in every City.* [r] *Danæus* proves out of *Epiphanius, that anciently in most Cities there were two or three Bishops. Nicephorus* writes; *That the Scythians neere Ister, have many and great Cities, all of them subject to one Bishop; But among other people, wee know, there are Bishops not onely in every City, but also in every Village; especially among the Arabians in Phrygia, and in Cyprus among the Novatians and Montanists;* Yea, no longer since then the [t] *Councell of Lateran under Innocent the* 3d. *there were divers Bishops in one Citie and Diocesse, where there were divers Nations of divers languages and customes:* Which though his Councell disallowes *where there is no necessity;* Yet *it approves and per-*

[n] *Platina Balæus Luithprandius, Albo de vitis Pontificum Theodorius a Niem. Zabarel & Marius de Scasamte.*

[o] *Eusebius, Socrates, Nicephorus; Tripartita historia, passim, cent. Mag. 4, 5, 6, 7. c. 10. Augustinus contra Donatum.*

[p] *De Gestis cum Emerito Donatist. Tom. 7. pars: 1. p. 781. 782:* See Mr *Carwrights answer to the Rhemish Testament on Phil. 1. pag. 499.*

[q] *In vita Joannis 4 & Martini 7.*

[r] *In Augustinum de hæresibus. har. 53.*

[t] *Eccleſiaſt hiſt. l. 11 c. 34. p. 758.*

[t] *Concil. lat. cap. 9. Surius Tom. 3. p. 740.*

permits where there is a neceſſity. Nay, [u] thoſe Canons, Conſtitutions, and Decretalls, which prohibit, that there ſhould be many Biſhops in one City, or that there ſhould be Biſhops in Caſtles, Villages, or ſmall Townes and Pariſhes, leaſt the dignity of Biſhops ſhould become common and contemptible; Manifeſt, that before theſe Canons and Conſtitutions, there were many Biſhops in one City and Dioceſſe; and a Biſhop in every little Caſtle, Towne and Countrey Village: And to come nearer home, the Statute of 26.H.8.c.14. ordayneth, *that there ſhalbe many ſuffragan Biſhops exerciſing Epiſcopall juriſdiction in one and the ſame Dioceſſe of* England; with the Statutes of 31.H.8.c 9. 33.H.8. c.31. 34.H.8.c.1. which erected divers new Biſhopricks in England, and divided one Dioceſſe into many, both intimate and prove as much. Why then there may not now bee divers Biſhops in one City, one Church, aſwell as there was in the Apoſtles time, in the primitive Church, and formes ages, or as well as there are now divers Archbiſhops and Biſhops in one Kingdome; divers Miniſters in one Cathedrall and Pariſh Church, I cannot yet conceive; unleſſe Biſhops will now make themſelves ſuch abſolute Lordly Monarks and Kings, *as cannot admit of any* [x] *equalls or corrivalls with them*, and bee more ambicious, proud, vayneglorious, covetous, unſociable, then the Biſhops in the Apoſtles and Primitive times, whoſe ſucceſſors they pretend themſelves to bee in words, though they diſclayme them utterly in their manners, lordlines, pomp, and ſupercilious deportment, which they will not lay downe for the peace and unity of the Church of Chriſt. I ſhall conclude this with that notable ſpeech of Saint [y] *Auguſtine*, and *thoſe other almoſt* 300. *Biſhops who were content to lay down their Biſhopriks for the peace and unity of the Church: Et non perdere, ſed Deo tutius comendare. An vero Redemptor noſter de cœlis in humana membra deſcendit, ut membra eius eſſemus, et nos ne ipſa eius membra crudeli diviſione lanientur, de Cathedris deſcendere formidamus? Epiſcopi propter Chriſtianos populos ordinamur. Quod ergo Chriſtianis populis ad Chriſtianam pacem prodeſt, hoc de noſtro Epiſcopatu faciamus. Quod ſum, propter te, ſum, ſi tibi prodeſt;*

[u] Surius Tom.1 p. 220. 222. 226.343.459. 165 414.467. 799. Tom.3. 740. 537.

[x] *Nec quenquam jam ferre poteſt Cæſarica priorem, Pompriuſve parem.* Lucan *l.1.*

[y] *De Geſtis cum Emerita Donatiſt: Epiſc. lib. Tom.7. pars 1. p.782.783.*

deſt; non ſum, ſi tibi obeſt. Si Servi utiles ſumus, cur Domini aeternis lucris pro noſtris temporalibus ſublimitatibus invidemus? Epiſcopalis dignitas fructuoſior nobis erit, ſi gregem Chriſti depoſita magis collegerit, quam retenta diſperſerit. Fratres mei, ſi Dominum cogitamus, locus ille altior ſpecula vinitoris eſt, non faſtigium ſuperbientis. Si cum nolo retinere Epiſcopatum meum diſpergo gregem Chriſti, quomodo eſt damnum gregis honor Paſtoris? Nam qua fronte in futuro ſeculo promiſſum a Chriſto ſperabimus honorem, ſi Chriſtianam in hoc ſeculo noſter honor impedit unitatem?

To which I ſhall adde, as a Corollary, a like Speech of that holy devout man, S. *Bernard*, [x] Who as *he conſtantly refuſed (out of conſcience) the Biſhopricks both of Genoa and Millaine, though earneſtly urged to accept of them*; ſo hee brake forth into theſe admirable ſpeeches upon that occaſion, (*Homil.* 1. *De Laudibus Mariæ Virginis*: p. 18.) Worthy all Lordly Prelats moſt ſerious contemplation. *Erubeſce ſuperbe cinis, Deus ſe humiliat, tu te exaltas? Deus ſe hominibus ſubdit, tu dominari geſtiens, tuo te præponis authori. Vtinam tale me quid cogitantem Deus, uti ſuum olim Apoſtolum, increpare dignetur: Vade poſt me Satana; Non ſapis quæ Dei ſunt: Quotiens hominibus præeſſe deſidero, totiens Deum meum præire contendo, et tunc quæ verè Dei ſunt non ſapio.*

[x] See his life before his Workes and Espenæus. Digreſ. in 1. Tim. l. 3. c. 6. p. 330.

Enough to cauſe all our Lordly Prelates, (have they any grace in their hearts) to caſt off their Rochets, and lay downe their Biſhopricks, their Lordly juriſdiction, which have bred ſo many ſchiſmes, controverſies, warres, and tumults in the Chriſtian World, and rent the unity of Chriſts Church in ſunder; in all acts. Which thing if they now refuſe to doe, I ſhall conclude of them, as *Hermagandus* did of the Greeke Biſhop, who was like to ſtarve him. [a] *Sanctiſſimus eſt veſter Pontifex quatenus ADVERSO DEO fieri licet. Literis ſacris enim pingitur Deus eſt charitas, cujus iſtum Epiſcopum omnino expertem eſſe, noſtro periculo ſenſimus.*

[a] *Aventinus Annal. Boiorum.* l. 4. p. 202.

FINIS.

PAstores fidos omnes nos Dounamus æquat
Præsulibus, laudi dum labor urget opus.
Idem mox septem stellarum arcana revelans,
Angelico hos unos tollit in astra gradu.
Nos animas viles quibus una est perdia, pernox
Cura gregis, vulgi in fæce relinquit humi.
Christe ducum Lecti pecoris cordate Magister,
Coge gregem, numerum non habet ille suum.
Si stella est sacri gregis Angelus, Angelus, Anglus
Presul, et hic gemino splendet in imperio;
Quærere nunc restat quæ stella sit Angelus, Anglus
Præsul, ut is gemino splendet in imperio?
An quæ stella hærens cælo scintillat ab alto?
Subtus an orbe alio qui vagus erro meat?
Portentum an terris metuendus crine cometes?
Stella an ab axe in humum tracta Draconis ope?
Et quam in ter terno tenet Angelus, ordine sedem,
Ætheris? aut Terræ? aut Æquoris? haud Erebi.
Nam regnandi illi haud veniat tam dira cupido,
Vt Papa Cerbereum tollas in astra caput.

Præsul Regalis.

Præsule Papano quod nos damnamus in omni,
Quodque in Romano Pontifice est vitium,
Præsule Regali, quid non damnamus in omni?
Quæ virtus nostri est maxima Pontificis?
Curia pro Cura gregis, aut Iucuria: Cura
Cui non ulla gregis, Curio an egregius?
Aureus antiquo florebat Episcopus ævo,
Tum cum sacræ essent lignea vasa domus;
Ligneus hoc nostro frondescit Episcopus ævo,
Cum sacram exornant aurea vasa domum.
Porticibus Regem Antistes cur excipit amplis
Fruge mensa fuit, dum casa parva fuit.
Substruit insanas cur celsa ad Sydera moles,
Moribus it præceps Tartara ad ima rudens,
A plebe et Clero fiebat Æpiscopus olim.
Illum nunc Mammon, Regia et Aula facit.

Hospitio

Hoſpitio in parvo olim hærebat Epiſcopus ædi:
Arcem excelſam habitat nunc procul æde ſacra.
In commune olim cum Clero cuncta gerebat.
Nunc ſine Præsbyteris omnia ſolus agit.
Canonicæ quondam Scripturæ interpres agebat.
Nunc pro jure ſacro regia juſſa docet.
Fratrum jure patri contentus Epiſcopus olim.
Nunc Regnum in fratros imperioſus obit.
Tum tenui ſtipem vitam ultro tolerabat egenam:
Nunc beat illum amplis copia divitijs:
Nunc opibus dives, pictai veſtis et auri.
Olim divitiæ in moribus atque animo.
In grege paſcendo totus ſudaverat olim;
Nunc mundi incumbet rebus et imperio.
Olim Acalutho ibat, ſeu Tros comitatus Achatem;
Nunc ſeptus magno Papa ſatellitio.
Tunc capite obſtipo, et ſpectanti lumine terram:
Nunc ſtupet elatis aſtra ſupercilijs.
Tunc vulgaris ei corpus velabat amictus:
Nunc picturatæ ſyrmata laxa togæ.
Et tunicæ manicas, et habent ridimicula mitræ,
Carbaſeoſque levis ventilat aura ſinus.
Pileus in quadrum tereti de vertice ſurgit,
Et bis cocta humilem purpura verrit humum.
Ni caudam ſuſpenſam ulnis gerat unus et alter
Vulpinam. O gerulis ſarcina quanta tribus!

Iſiodor Peluſiota Epiſt. l. 3. Epiſt. 223.

Illud fortaſſe ignorare videmini, lenitatis ac manſuetudinis dignitatem, in tyrannidem tranſijſſe. Olim enim ſalutis ovium cauſa mortem oppetiebant; nunc autem Paſtores mortem ovibus inferunt, non corpora jugulantes, (levius enim hoc malum eſſet) verum animis offenſionem afferentes. Tum jejunijs corpus caſtigabant, nunc autem ut luxu et delicijs exultent, efficiunt. Tum bona ſua egentibus deſtribuebant, nunc autem pauperum bona in rem ſuam vertunt. Tum virtutem colebant, nunc virtutis cultores proſcribunt et eliminant.

Ne Sarvi Magna Sacerdos.

Courteous Reader, before thou peruſe this *Treatiſe*, I ſhall deſire thee to correct theſe *Errors* and *Omiſſions of the Printer*, becauſe many of them corrupt & pervert the ſence, & ſo require thy *Correction* before thy *Peruſall*; both to free the *Author* from *cauſeles Cenſure*, and thy ſelfe from *needleſſe Error*. Other literall obvious ſcapes of leſſe moment, thou maiſt amend as thou meeteſt with them.

In the matter, p. 6. l. 5. for 1608 v earely, read *almoſt* 1600 *yeares*. l. 12. quicknings, *quieting*. p. 7. l. 8. as, *in*. l. 27. *aſo* l. 29. of, *that*: p. 8. l 9. of, *and*. l. 21. poore, *pure* p. 10. l. 11. *in Starchamber*. p. 11. l. 16. faction, *fiction* p. 19. l. 12 *Egelric*. l. 13. *offred*: l. 22. *Maleclerke*. p. 20. l. 8. *Alcunivus*. *Carthage*: Concil, *Can*. l. 10. *Aquiſgran*: *Carnotenſis*. p 21. l. 9. ſinne: *ſciſmes*. p. 24. l. 13. *Cautinus*. l. 15. *Verdunum*. p. 25. l. 9. *Durham*: p. 26. l. 31. *An*. 1554. p. 28. l. 1. *of it*: l. 5. defile, *define*. p. 36. l. 32. deny, *denude*. p. 43. l. 12. and, *as*: p. 44 l. 10. thought, *taught*: l. 15. *comfort*. p. 45. l. 18. *not*: p. 47. l. 20. would, *could*: l. 26. therefore, *there for* p. 49. l 7. Timothie is. p. 55. l. 3. two, *three*. l. 13. falſenes, *falſe forgerie*. p. 61. l. 25. conſequent, *conſent*. p. 62. l. 6. *purſeivant* p. 7. blot out *one*: and, *and that*. l. 8. *jealoſie*: l. 26. *rating*. p. 64. l. 21. denied. *decreed*. p. 70. l. 12. *ca*, *in* l. 14. *Aken*: p. 74. l. 5 *a Lawyer* p. 75. l. 7 *and Biſhops*: p. 78. l. 31. *Poſtſcript*. p. 79 l. 1. no, *nor*: l. 4. nor. r. *ſince Paul was not*. l. 13. there, *thoſe*. p. 82. l. 16. *ſly*: p. 83. l. 6. *other*. p. 87. l. 11. *or the*. p. 93. l. 32 r. *who ſupplied the place of a Biſhop, in his conſecration to be a Biſhop Jure divino, and* &c p 94. l. 1. were; *to be*. l. 13. *and their*. p. 95 l. 26 r. *as Miniſters not as Biſhops*. p 96. l. 12. *concurrence* l. 32. *Taborites* p. 100. l. 23. *Petricow* p. 111. l. 5 *Decrees*. p. 112. l 23. & 113. l. 3. of, *or*. l. 11. *Monopolie* p. 117 l. 27. in, *do*: p. 122. l. 11. *they* p. 123 l. 36. *for ever*. p. 133. l. 6. *interpretatur* p. 134. l. 18. blot out *hath*. p. 135. l. 11. commonly, *common by*. p. 137. l. 11. *banded* p. 144. l. 20. *predeceſſors*. p. 145 l. 1. *ſtarved*: l. 5. *preached*. l. 12. *want*. *warne*. p. 147. l. 14. faſt, *fat*. l. 23. un, *on*. p. 148. l. 1. *and in* l. 8. deferre, *deterre*. l. 13. *both by* l. 21. what, *where*. l. 22. here, *twitch*: p. 150. l. 21. *never ceaſe*. p. 151. l. 23: 13. 12: p. 154, l. 5. of, *if*. l. 17. much, *mute*. p. 155. l. 9. *warded*. p. 156. l 2 the, *our*.

In the Margin: p. 5. l. 34 *page*: p. 8. l. 12. *Becon*: p. 11 l 27 *deſire*. p. 32. l. 7. animam, *annum*. p. 58. l. 6, when, *where*: p. 62. l. 4. *Meluini*. p. 64 l. 17. *Meldenſe*: p. 70. l. 2. *Aton*. p. 93. l. 2. *Catalogo*. p. 103. l. 14. *lib*. 7. p. 113. l. 8. *Seva* p. 130. l. 4. *Tom*. 5. p. 149. l. 17. p. 6. l. 25. 13. 12: p. 152. l. 5. favorers, *fainthearted*.

CONCORDIA DISCORS,

OR THE DISSONANT HARMONY OF

Sacred Publique Oathes, Protestations, Leagues, Covenants, Ingagements, lately taken by many Time-Serving Saints, Officers, without scruple of Conscience; making a very *unpleasant Consort* in the *Ears* of our most faithfull *Oath-performing, Covenant-keeping God*, and all *Loyal conscientious Subjects*; sufficient to create a *dolefull* Hell, and *tormenting Horror* in the *awakned Consciences* of all those, who have *taken*, and violated them too, successively, without any *fear of God, Men, Devils, or Hell.*

By William Prynne *Esq; a Bencher of* Lincolns-Inne.

Numb. 30. 2. *If a man vow a Vow unto the Lord, or swear an Oath to bind his Soul with a Bond, he shall not break his word, he shall do according to all that proceedeth out of his Mouth.*

Gal. 3. 15. *Brethren I speak after the manner of men, though it be but a mans Covenant, yet if it be confirmed, no man disannulleth or addeth thereunto.*

Jer. 23. 10. *Because of Swearing the Land mourneth, the pleasant places of the wilderness are dryed up, their course is evil, and their force is not right.*

Augustin de verbis Apostoli Sermo 30. Falsa Juratio exitiosa est, vera juratio periculosa est, nulla juratio secura est. Tantum mali habet juratio, ut qui lapides colunt timeant falsum jurare per lapides: Tu non times Deum præsentem, Deum viventem, Deum scientem, Deum moventem, Deum in contemptores vindicantem? Vis ergò longè esse a perjurio? Jurare noli.

Chrys. Hom. 12. in Mat. 5. Nisi juramentū interdicatur, non possunt amputari perjuria. Nemo est enim qui frequenter jurat, & non aliquando perjuret.

London, Printed for *Edward Thomas* at the *Adam* and *Eve* in *Little Britain*, 1659.

The dissonant Harmony of sacred publick Oaths, Protestations, Leagues, Covenants, Engagements, lately taken, &c.

MAny are the publick Oaths, Protestations, Leagues, Covenants, which all English Subjects (especially Judges, Justices, Sheriffs, Maiors, Ministers, Lawyers, Graduates, Members of the Commons House, and all publick Officers whatsoever) by the Laws and Statutes of the Land have formerly taken to their lawfull *Hereditary Kings, their Heirs and Successors*, to bind their *Souls*, Consciences, to bear constant Faith, Allegiance, Obedience, and dutifull subjection to them; and to defend their Persons, Crowns, and just Royal Prerogatives, with their Lives, Members, Fortunes, against all Attempts, Conspiracies, and Innovations whatsoever. Which being almost quite forgotten by those who have formerly taken, and as frequently violated them over and over, in the highest degree, if not abjured them by contrary late *Oaths* and *Ingagements*; I shall present them in order to their own and others view, that they may conscienciously review, consider them afresh, and bewayle their perjurious atheistical violations of them, to prevent those temporal and eternal Judgments, which otherwise may and will most certainly fall upon them, & our Nation too for the same.

1. I shall begin with the antient *Oath of Fealty*, [a] which every *Person* above 14. *years* old, and every *Tithingman* was obliged to take publickly at the *Court Leet* within which he lived; and was antiently taken afresh every year by all the

[a] Bracton, l. 3. Tract. 2. c. 1. Britton c. 12. Lambardi, Archaion, LL. Edwardi Confessoris Lex, 35. Spelmanni Glossarum, p. 267, 268. Cook 7 Rep. Calvins case. 1 Instit. f. 64, 65, 67, 68. Tottles Magna Charta. f. 164. Kitt. f. 46. Exact Collection, p. 370. Joh. Seldeni, ad Eadmerum Notæ, p. 190, 191.

execution of the Common-law or to menace the people, that they may not pursue the Law, that ye do their bodies to be arrested and put in prison. And in case they be such, that ye may not arrest them, that ye certifie the King of their names, and of their misprision hastily, so that thereof he may ordain a convenable remedy. And that ye by your self, nor by other privily nor apertly, maintain any plea or quarrel hanging in the **Kings Court,** *or elsewhere in the Country. And that ye deny to no man common right* **by the Kings Letters,** *nor none other mans, nor for none other cause: and in case any letters come to you contrary to the Law, that ye do nothing by such Letters, but certifie the* **King thereof,** *and go forth to do the Law, notwithstanding the same Letters.* **And that ye shall do and procure the profit of the King, and of the Crown, with all things where ye may reasonably do the same.** *And in case ye be from henceforth found in default in any of the points aforesaid,* **ye shall be at the Kings Will, of Body, Lands and Goods, thereof to be done as shall please him,** *as God you help and all Saints,* Anno 18 E. 3. Stat. 4.

The next *Oath* is that of *Supremacy*, made and prescribed to be taken by all *Judges, Justices*, Sheriffs, Maiors, Recorders, Civil and Ecclesiastical Officers, Barresters, Benchers, Graduates, Ministers, Attornies whatsoever; and all Members of the Commons House, before they ought to sit or vote therein, by the Statutes of 1 *Eliz. cap.* 1. 5 *Eliz. cap.* 1. 17 *Car. cap.* 7.

I *A. B.* do utterly testifie and declare in my Conscience, That **the Kings Highness is the only Supream Governor of this Realm, and of all other his Highness Dominions and Countries,** *as well in all Spiritual or Ecclesiastical things or causes,* **as Temporal:** *and that no forein Prince, Person, Prelate, State or Potentate hath, or ought to have any Jurisdiction, Power, Superiority, Preheminence or Authority, Ecclesiastical or Spiritual within this Realm; and therefore I do utterly renounce all forein Jurisdictions, Powers, Superiorities, and Authorities; and do promise* **that from henceforth I shall bear Faith and true Allegiance to the Kings Highness, his Heirs and lawfull Successors, and to my Power**

shall

shall assist and defend, all Jurisdictions, Privileges, Preheminences and Authorities granted or belonging to the Kings Highnes, his Heirs and Successors, or united and annexed to the Imperial Crown of this Realm. *So help me God, and by the Contents of this Book.*

5. The 5th. (Oath of equal Latitude and Extent, as the former of Supremacy) is that of *Allegiance*, prescribed by the Statutes of 3 *Jacobi*, *cap.* 4. 7 *Jac. c.* 6. 17 *Car. c.* 7 *tending only to the Declaration of such Duty as every true and well-affected Subject, not only by Bond of Allegiance, but also* by the Commandement of Almighty God ought to bear to his Majesty, his Heirs and Successors; *which Oath such as are infected* with Popish Superstition *do oppugn with many false and unsound Arguments, the just defence whereof, his Majesty* (King James) *hath heretofore undertaken & worthily performed, to the great contentment, of all his loving Subjects notwithstanding the gainsayings of all contentious Adversaries. And to shew how greatly* his Loyal Subjects did approve the said Oath, *they prostrated themselves at his Majesties feet, beseeching his Majesty that it might be enacted,* that the same Oath may be administred to all his Subjects. The words whereof are these. I *A. B. do truly and sincerely acknowledge, professe, testifie, and declare in my Conscience before God and the world, That our Soveraign Lord King* CHARLES is lawfull and rightfull King of this Realm, and of all other his Majesties Dominions and Countries : *And that the Pope, neither of himself, nor by any of the Church or See of* Rome, *or by any other means* with any other hath any power or authority to depose the King, or to dispose of any of his Majesties Kingdomes or Dominions or to authorize any forein Prince to invade or annoy him or his Countries; or to discharge any of his Majesties Subjects of their Allegiance and Obedience to his Majesty; or to give licence or leave to any of them to bear Arms, raise tumult, or to offer any violence or hurt to his Majesties Royal Person, State or Government, *or to any of his Majesties Subjects, within his Majesties Dominions. Also, I do swear from my heart, that notwithstanding any Declaration or sentence of Excommunicati-*

on

on or deprivation made or granted by the Pope, or his Succeſſors, or by any Authority derived, or pretended to be derived from him, or his See, against the ſaid King his Heirs or Succeſſors, or any abſolution of the ſaid Subjects from their obedience: I will bear Faith and true Allegiance to his Majeſty, his Heirs and Succeſſors, and him and them will defend to the uttermoſt of my power, againſt all Conſpiracies and Attempts whatſoever, which ſhall be made againſt his or their Perſons, their Crown and Dignity, by reaſon or colour of any ſuch Sentence or Declaration, or otherwiſe, and will do my beſt endeavour to diſcloſe and make known unto his Majeſty, his Heirs and Succeſſors, all Treaſons and traiterous Conſpiracies, which I ſhall know or hear of to be againſt him, or any of them. *And I do further ſwear,* That I do from my heart abhor, deteſt, and abjure, as impious and heretical, this damnable Doctrine and Poſition, That Princes which be excommunicated by the Pope, may be depoſed or murthered by their Subjects, or any other whatſoever. And I do believe, and in Conſcience am reſolved, that neither the Pope, nor any perſon whatſoever, hath power to abſolve me of this Oath, or any part thereof, which I acknowledge by good and full Authority to be lawfully adminiſtred unto me, and do renounce all Pardons and Diſpenſations to the contrary. And all theſe things I do plainly and ſincerely acknowledge and ſwear, according to the expreſſe words by me ſpoken, and according to the plain and common ſenſe and underſtanding of the ſame words, without any equivocation, or mental evaſion, or ſecret reſervation whatſoever. And I do make this Recognition and Acknowledgement heartily, willingly, and truly, upon the true Faith of a Chriſtian. *So help me God.*

6. To theſe Oaths I ſhall ſubjoyn the c *Proteſtation,* made and taken (in purſuance of theſe *Oaths*) by all the Well-affected Members of the *Lords, and Commons Houſe, the laſt long Parliament, and voluntarily taken by all the beſt affected people throughout the Realm,* and by all, or moſt Officers and Souldiers of the Army; by their Authority.

c See Exact Collection, p. 278, 296, 337, 340, 342, 361, 367, 491, 498, 522, 523, 666, 770, 828, 839.

Die

Die Mercurii, 5 Maii, 1641.

We the Knights, Citizens, and Burgesses in the Commons House of Parliament, finding to the great grief of our hearts, that the designs of the Priests and Jesuites, and other Adherents to the See of *Rome*, have of late been * more boldly and frequently put in practise than formerly to the undermining, and danger of the ruine of the true reformed Protestant Religion in his Majesties Dominions established: And finding also that there have been, and having just cause to suspect that there still are, even during this sitting in Parliament, *endeavours to subvert the Fundamental Laws of *England* and *Ireland*, and to introduce the exercise of an Arbitrary and Tyranical Government, by most pernicious and wicked Counsels, Practises, Plots and Conspiracies: And that the long intermission, and unhappy breach of Parliaments, hath occasioned many illegal Taxations, whereupon the Subject hath been prosecuted and grieved: And that divers Innovations and Superstitions have been brought into the Church, multitudes driven out of his Majesties Dominions; jealousies raised and fomented betwixt the King and his people; a Popish Army levyed in *Ireland*, and two Armies brought into the bowels of this Kingdom, to the hazard of his Majesties Royal Person, the * consumption of the Revenues of the Crown and Treasure of this Kingdom: And lastly, finding a great cause of Jealousie, that endeavours have been, and are used to bring the English Army into a Miss-understanding of this Parliament, thereby to * incline that Army, with force to bring to passe those wicked Counsels, have therefore thought good to joyn our selves in a Declaration of our united Affections and Resolutions, and to make this ensuing Protestation.

* And have they not been so more since and now, then ever before?

* As since and now, by doubled illegal Taxes, Excises, High Courts of Justice, Arbitrary Junctoes, and their new Knacks.

* Now quite sold and consumed.

* Have they not since that in 1648. and now again effected it?

I *A. B. do in the presence of Almighty God, promise, vow, and protest, to maintain and defend, as far as lawfully I may, with my life, power, and estate, the true reformed Protestant Religion, expressed in the Doctrine of the Church of* England, *against all Popery and Popish Innovations within this Realm, contrary to the same Doctrine, and according to the duty of my Allegiance, His Majesties Royal Person, Honour and Estate; as also the power and privilege of Parliament; The lawfull Rights and Liberties of the Subject, and every person that maketh this Protestation, in whatsoever he shall do in pursuance of the same. And to my power, and as far as lawfully I may, I will oppose, and by all good wayes and means endeavour to bring to condigne punishment, all such as shall either by force, practise, counsels, plots, conspiracies, or otherwise, do any thing to the contrary in this present Protestation contained. And further, that I shall in all just and honourable wales endeavour to preserve the Union and Peace*

between the three Kingdoms of England, Scotland, *and* Ireland; *And neither for hope, fear, nor other respect, shall relinquish this Promise, Vow, & Protestation.*

7. The next in time, is the *Solemn League and Covenant*, taken in the most solemn manner *with hands lifted up to heaven*, and subscribed by all Members of *Parliament*, in *England* and *Scotland*, by all *Civil, Military Officers, Souldiers* and well-affected *persons* in our three *Kingdoms*, by f sundry special *Ordinances* of *Parliament*; approving and ratifying the same.

f A Collection of Ordinances, p 327, 359, 390, 399, 404, 416, 420, to 428. 458, 459. 606. 690. 702. 751. 768, 769. 798. 802, 803, 806, 807, 808, 878, 879, 889.

¶ A Solemn League and Covenant for Reformation and defence of Religion, the Honour and Happinesse of the King, and the Peace and Safety of the three *Kingdoms* of *England, Scotland*, and *Ireland*.

WE *Noblemen, Barons, Knights, Gentlemen, Citizens, Burgesses, Ministers of the Gospel, and Commons of all sorts, in the* **Kingdoms** *of* England, Scotland, *and* Ireland, *by the Providence of God living under* **one King**, *and being of one Reformed Religion, having before our eyes the glory of God, and the advancement of the Kingdom of our Lord and Saviour Jesus Christ, the* **honour and happinesse of the Kings Majesty, and his Posterity**, *and the true Publique Liberty, Safety, and Peace of the* **Kingdoms**, *wherein every ones private condition is included; and calling to minde the treacherous and bloudy plots, Conspiracies, Attempts, and practises of the Enemies of God, against the true religion and professors thereof in all places, especially in these three kingdoms ever since the reformation of Religion, and how much their rage, power, and presumption are of late, and at this time increased and exercised; whereof the deplorable estate of the Church and kingdom of* Ireland, *the distressed estate of the Church and Kingdom of* England, *and the dangerous estate of the Church and Kingdom of* Scotland, *are present and publike Testimonies; We have now at last, (after other means of Supplication, Remonstrance, Protestations and sufferings) for the preservation of our selves and our religion from utter ruine and destruction, according to the commendable practice of these kingdoms in former times, and the Example of Gods people in other Nations; after mature deliberation, resolved and determined to enter into a mutual and Solemn League and Covenant, wherein we all subscribe, and each one of us for himself, with hands lifted up to the most high God, do swear,*

I. That

I. THat we shall sincerely, really and constantly, through the Grace of God, endeavour in our several places and callings, the preservation of the Reformed Religion in the Church of *Scotland*, in Doctrine, Worship, Discipline and Government, according to the Word of God, and the Example of the best Reformed Churches; And shall endeavour to bring the Churches of God in the three Kingdoms, to the nearest conjunction and uniformity in Religion, Confession of Faith, Form of Church-Government, Directory for Worship and Catechising; That we and our posterity after us, may as Brethren, live in Faith and Love, and the Lord may delight to dwell in the midst of us.

II. That we shall in like manner, without respect of persons, indeavour the extirpation of Popery, Prelacy, (that is, Church-Government by Arch-Bishops, Bishops, their Chancellors and Commissaries, Deans, Deans and Chapters, Archdeacons, and all other Ecclesiastical Officers depending on that Hierarchy) Superstition, Heresie, Schisme, Profaneness, and whatsoeuer shall be found to be contrary to sound Doctrine, and the power of Godliness; lest we partake in other mens sins, and thereby be in danger to receive of their plagues, and that the Lord may be one, and his Name one, in the three Kingdoms.

III. We shall with the same sincerity, reality, and constancy, in our several Vocations, endeavour with our estates and lives, mutually to preserve the Rights and Privileges of the Parliaments, and the Liberties of the Kingdoms, and to preserve and defend the Kings Majesties person and authority, in the preservation and defence of the true Religion, and Liberties of the Kingdoms; that the world may bear witness with our consciences of our Loyalty, and that we have no thoughts or intentions to diminish his Majesties just power and greatness.

Quare, whether this be not violated in every branch in the highest degree?

IV. We shall also with all faithfullness endeavour the discoverie of all such as have been, or shall be Incendiaries, Malignants, or evil Instruments, by hindering the reformation of Religion, dividing the King from his people, or one of the Kingdoms from another, making any Faction or parties amongst the people, contrary to this League

and Covenant, that they may be brought to publike trial, and receive condigne punishment, as the degree of their offences shall require or deserve, or the **Supreme Judicatories of both Kingdoms** respectively, or other, having power from them for that effect, shall judge convenient.

V. And whereas the happiness of a blessed Peace between these Kingdoms, denied in former times to our Progenitors, is by the good providence of God granted unto us, and hath been lately concluded, and setled by both Parliaments, we shall each one of us, according to our place and interest, indeavour that they may remain conjoyned in a firm peace and union to all posteritie; And that Justice may be done upon the willfull opposers thereof, in manner expressed in the precedent Articles.

VI. We shall also according to our places and callings in this common cause of Religion, Liberty and peace of the Kingdoms, assist and defend all those that enter into this League and Covenant, in the maintaining and pursuing thereof, and **shall not suffer our selves directly or indirectly by whatsoever combination, perswasion, or terror, to be divided, and withdrawn from this blessed union and conjunction, whether to make defection to the contrary part, or to give our selves to a detestable indifferency or neutrality in this cause, which so much concerneth the glory of God, the good of the Kingdoms, and the honour of the King; but shall all the dayes of our lives, zealously and constantly continue therein, against all opposition, and promote the same according to our power, against all Lets and Impediments whatsoever**; and what we are not able our selves to suppress or overcome, we shall reveal and make known, that it may be timely prevented or removed; **All which we shall doe as in the sight of God.**

And because these Kingdoms are guilty of many sins and provocations against God, and his Son Jesus Christ, as is too manifest by our present distresses and dangers, the fruits thereof; we professe and declare before God and the World, our unfeined desire to be humbled for our own sins, and for the sins of these Kingdoms, especially, that we have not as we ought, valued the inestimable benefit of the Gospel, that we have not laboured for the purity and power thereof,

and

that we have not endeavoured to receive Christ in our hearts, nor to walk worthy of him in our lives, which are the causes of other sin, and Transgressions, so much abounding amongst us; And our true and unfeigned purpose, desire, and indeavour for our selves, and all others under our power and charge, both in publique and private, in all duties we owe to God and man, to amend our lives, and each one to go before another in the example of a real Reformation, that the Lord may turn away his wrath and indignation, and establish these Churches and Kingdomes in truth and peace **And this Covenant we make in the presence of Almighty God the Searcher of all hearts, with a true intention to perform the same, as we shall answer at that great day, when the secrets of all hearts shall be disclosed.** *Most humbly beseeching the Lord to strengthen us by his Holy Spirit for this end, and to bless our desires and proceedings with such success, as may be deliverance and safety to his people, and encouragement to other Christian Churches groaning under, or in danger of the yoke of Anti-christian tyranny, to joyn in the same, or like Association and Covenant, to the glory of God, the enlargement of the Kingdom of Jesus Christ,* **and the peace and Tranquility of Christian Kingdoms and Commonwealths.** Subscribed by *William Lenthal* Speaker, Sir *Henry Vane junior*, and most now sitting.

Yet notwithstanding all these most solemn, sacred, legal Oaths, this Protestation, *Solemn League and Covenant*, sweetly according with and ratifying each other, the remaining *Fragment of the Commons House*, sitting under the power of the *Army*, not only violated them all in the *Highest degree*, by their proceedings against the late **King, his Heirs and Successors** to *the Imperial Crown, the Royal posterity*, **Kingship, Kingdom,** *Lords House*, and their secluded fellow Members, but also took upon them to suppress and set aside these Oathes, yea to brand and stigmatize them, for **Unlawfull Oathes**; to absolve themselves, with all others from them; and to set up an **Ingagement** of their own framing, in diametrical Opposition against all and every of them, imposed on all the three Nations with strictest severity, by their *New Knack* of 6. September 1649. disabling *all Freemen of this Nation to sue in any Court of Justice whatsoever, or to enjoy any Civil, Ecclesiastical or Military Office, benefice, augmentation,*

augmentation, trust, or degree of Learning in the Universities or Innes of Court, and debarring all Lawyers, Attornies from their practice, by a new kinde of *Præmunire*, who should not take and subscribe this *Engagement*: which the whole House of *Commons* (having not the least legal Power to g *administer any usual Oath* to Witnesses, or any person whatsoever in any case or Age,) had neither Authority nor Power to impose upon the Nation, were it consonant to the precedent *Oaths, Protestation, Covenant* much less then the *Unparliamentary Conventiele, sitting after the Kings beheading, the Lords and Majority of the Commons forcible seclusion, and the h Parliaments actual dissolution thereby*; when diametrically repugnant to all these legal Oaths, and to the Petition of Right it self, 3 *Caroli*, complaining, providing against the future administring of **any Oath not warrantable by the Laws and Statutes of this Realm**, in precise Terms; and whether this Engagement, be not such, let all Lawyers, Divines, and consciencious *Englishmen* resolve.

g Exact Collection, p. 769. Exact Abridgement of the Records in the Tower, p. 157. 176. 454. See Oath in the Table.

h See my True and perfect Narrative, p. 28 to 40. 92.

I do declare and promise, That **I will be true and faithfull to the Common-wealth of England, as it is now established, without a King or House of Lords!**

All the Officers, Souldiers of the *Army*, and Garrisons through *England* and *Ireland*, were the first men who subscribed it, and returned their Subscriptions in Parchment-Rolls to their *Journey-men* and *Creatures* at *Westminster*; who thereupon thought themselves and their Government, (though founded upon *Bloud, Treachery, Perjury,*) as lasting and perpetual, as if it had been founded on a *Rock*, and the sincerest Principles of *Piety, Justice, Righteousness*, and *general publick National consent*. But those very first *Engagers* to them, when they had done their *Drudgery*, and oppressed the Nation with doubled and trebled Taxes to support their bloody wars by Land and Sea against their *Protestant* King, and Brethren of *Scotland* & the *Netherlands*; on the 20th. of *April* 1653. sodenly turned them out of Doors, and power, with force and highest contempt, *as persons wholy perverting the ends of Parliament, oppressing the people, making Gain the main of their Business, and utterly impossible in that corrupt estate, in the judgements of the most moderate men to*

i The true state of the case of the Commonwealth, p. 9, 11.

become

come the instruments of our long desired Establishment. And then setting up *a Protector* over their *Infant Common-wealth much* against their wills, *the Mock-Parliament* under him (whiles above 150 *Members* duly elected, most confided in by the Country were forcibly secluded) by their Additional Petition and Addresse, the 26th. of *June* 1647. imposed this *new Oath* on all Counsellors of State, and Members of Parliament.

I *A. B. do in the presence of God Almighty promise and swear, That to the uttermost of my Power I will uphold and maintain the true reformed* Protestant Religion, *in the purity thereof, as it is contained in the Holy Scriptures of the Old and New Testament, and encourage the Profession and Professors of the same. And* **that I will be true and faithfull to his Highnesse the Lord Protector of the Commonwealth of England, Scotland, and Ireland, and the Dominions thereunto belonging as chief Magistrate thereof.** *And* **shall not contrive, design or attempt any thing against the Person or lawfull Authority of the Lord Protector;** *shall keep secret all matters that shall be treated of in Counsel, and put under secrecy, and not reveal them but by Command, or consent of his Highnesse, the Parliament, or the Counsel; and shall in all things faithfully perform the trust committed to me, as a Counsellour, according to the best of my understanding, in order to the good Government, peace and wellfare of these Nations. And shall endeavour as much as in me lyes, as a Member of Parliament, the preservation of the Rights and Liberties of the People.*

These Oaths were sworn (by many of those, who had taken the premised *Oaths, Protestation, Solemn League and Covenant, and the Engagement* too,) both to their Protector *Oliver* and his Son *Richard*, with whom the Army-Officers, Souldiers, and sundry others in the name of most Counties and Corporations of *England, Scotland,* and *Ireland*, in their special Addresses to *Richard*, faithfully promised to live and die: yet lo within few Months after, notwithstanding these *Oaths* and *Addresses*, by a miraculous Divine providence (admirable in all considerate mens eyes) they not only all deserted, but degraded him from his *Protectorship*, without one *stroke*, or *drop of blood spilt*, or Sword drawn

drawn in his quarrel; after so much Christian bloud shed, so many Millions of Treasure spent, and many years travel, care, by his *Father Oliver*, to establish his *Posterity* in this new-erected Supremacy, Protectorship; and that by his own *Army-Officers*, and neerest, most *endeared Relations*, even in a moment, beyond all probability or possibility in humane apprehension.

To accomplish this strange unexpected work, the *Army-Officers* called in the old *Unparliamentary Iuncto* sitting since the year 1648. till *April* 20. 1653. whom they formerly dissolved and unparliamented, secluding all the rest of the old Parliament sitting till *December* 6. 1648. by force and armed guards, with the whole House of Lords, re-creating them alone for a *Parliament*: who usurping to themselves the name and power of a *Parliament*, against both Law, Equity, Reason; dismounted his Son *Richard* from his *Protectorship*, unlorded, degraded his *New other House* of *Mushrom Lords*, and new dubbed *Knights*, cashiered some of the *Army-Colonells*, and other *Officers*, who helped to make them a *Parliament*, & him a *Protector*; and may gratifie the rest in this kinde; Commissioned some, whom *Oliver* cashiered; turned most of his Council, Commissioners, Judges, Creatures out of their Offices; and pulled down most of that he set up with force and blood. Who now thinking themselves secure, and forgetting all their former, with these late sodain *Revolutions*, *Changes*, as the just rewards of perfidious *breaches of Oaths*, *Protestations*, *Covenants* to their lawfull Soveraigns, they hav now afresh to make us a *Free State*, not only doubled our former Taxes in *effect*, and more than trebled them by a most *arbitrary new Militia on many*, but also by a *New Bill*, appointed an *Oath to be taken by their Iudges, Iustices of the Peace*, and other Officers, in form following.

You shall swear, **That you shall be true, faithfull and constant to this Commonwealth, without a single Person, Kingship, or House of Lords.**

Which ‖ *illegal Oath*, so diametrically contrary to the former, if swallowed by their unarmed Judges, Justices, and other civil Officers out of fear, will in time be imposed on the Army Officers, Soldiers, and all others, as their former *Ingagement* was, with as severe penalties.

‖ urame nta illicita, jurari, et jurata servari non debent. Gratian Causa 22. qu. 4. throughout.

Having

Having presented you with these contradictory, repugnant, irreconcileable Oathes, Protestations, Covenants and Engagements, I shall propose some few cases of conscience upon them, in this age, when *Conscience* is so much pretended, and *Liberty of Conscience* so much *pressed*, that tendernes of *Conscience*, and *Conscience* it self, are hardly to be found in the greatest pretenders to them.

1. Whether all lawfull sacred Oaths, Vowes, Covenants, Protestations. doe not *i* firmly, immutably, inviolably bind the souls, consciences, of all that take them, to an *absolute*, indispensible, sincere, faithful performance, and strict observation of them, to the uttermost of their power in all estates and conditions, as is evident by Numb. 30. 2. to 14. Josh. 9. 19, 20. Gal. 3. 15 Deut. 23. 21, 23. Judg. 11. 30. 39. Job 22. 27 Ps. 15. 4. Ps. 22. 25 Ps. 61. 8. Ps. 66. 13. Ps. 116. 14, 18. Ps. 132, 2, 3, &c. Eccles. 5. 4. Jer. 44. 25 Jonah 2 9. Isay 19. 21. Nah. 1. 15. Gen. 21. 23, 24, 31. c. 24. 3. to 10. 37. to 47. c 26. 3 31. c. 47. 31, c. 50. 5, 6. Levit. 19. 12. Josh. 2. 12 17. 20. Judg. 15. 12, 13. Deut. 8. 12. Josh. 21. 43, 44. 1. Kings 1. 13. 17. 29, 30. 2 Chron. 36. 13. Ezra 10. 5. Neh. 13. 25. Jer. 4. 2. c 11. 5. Mat. 5. 33. 1 Kings 15. 3, 4, 5. 2 Chron. 21. 5, 6, 7. compared with Hebr 6. 16, 17, 18. *An Oath for confirmation is to men an end of all strife: wherfore God willing more abundantly to shew unto the heirs of promise* **the immutability of his Counsel, confirmed it with an Oath, that by two Immutable things** (his Oath and Covenant) *in which it is* **impossible for God to lie**, *we might have strong consolation*, Ps. 89. 3. 34. *I have made a* **Covenant** *with my chosen, I have* **sworn** *unto David my Servant.* **My Covenant will I not break, nor alter the thing that is gone out of my lipps.** *Once have I* **sworn** *by my holiness* **that I will not lie unto David**, Ps. 132. 11. *The Lord hath* **sworn in truth unto David, he will not turn from it.** Jer. 33. 20, 21. *Thus saith the Lord, If you can break my* **Covenant** *of the day, and my* **Covenant** *of the night, and that there should not be day and night in their season. Then may also* **my Covenant be broken with David** *my Servant, that he should not have a Son to reign upon his throne.* If *Gods Oaths* and *Covenants* to mortal sinful men be thus true, *constant, sincere, firme, unalterable, immutable*; then by like reason

i St. Aug. de Verbis Apostoli, Serm. 30. Gratian, Caus. 22. qu. 1, 2, 5. Grotius de Jure Belli & Pacis, l. 2. c. 13. Jusjurandum habetur apud omnes ultimum atque firmissimum & fidei mutuæ & veracitatis pignus. Procopius Persicorum l. 2. ultima fides inter homines tum Græcos, tum Barbaros, quam nulla delebit ætas, est ea quam per jurata pacta sponsores adhibet Deos. Dionys. Hallicarnass. Antiqu. Rom. Nullum Vinculum ad adstringendam fidem, majores nostri Juramento arctius esse voluerunt. Cicero Offic. l. 1.

reason should *mens Oaths* and Covenants to God and their *lawfull Kings be such*, as Psal. 15. 4. Eccles. 8. 2 Gal. 3. 15. Levit. 30. 2. to 14. and the other forecited Texts resolve.

2ly. Whether the late *violation* through fear, or self-respects, much more *the wilfull* **justification**, *perjurious repeal, abrogation, abjuration of our* sacred lawful Oaths, protestation, *Covenant*, be not a k *most detestable, crying, scandalous, damning sin, exceedingly dishonorable to God; injurious to Religion; & drawing down sad, private, personal and National judgements, on those who are notoriously guilty thereof*, as is most apparent by Ezech. 16. 59. c. 17. 13. to 27. Zech. 8. 17. c 5. 3, 4. Hos. 10. 4. Lev. 6. 3, 4. c. 19. 12. Prov. 24. 21, 22. Jer. 5. 2. c. 7. 9. to 17. c. 34. 8. to 22. c. 52. 3, 4. Deut. 31. 20. c. 29. 20. to 29. Ps. 78. 10. 37. 57. to 65. 2 Chron. 36. 13. Josh. 9. 20. 2 Sam. 21. 1. to 11. Jer. 23. 10. Rom. 1. 31, 32. 1 Tim. 1. 10. worthy sad and serious perusal. And whether those who are deeply guilty of these sins, can ever expect to enter into heaven, since this is made the special character of a Citizen of *Zion*, *Who shall dwell in Gods holy hill*, Psal. 15. 1, 2, 4. *He that walketh uprightly and worketh righteousness, and speaketh the truth from his heart*, **He that sweareth to his own Hurt and changeth not**, much more then when for his own and the publick good.

k S. Augustin, Gratian, & Grotius: Ibidem. Cælius Rhodiginus Lectionum Antiq. l. 21. c. 15.

3ly. Whether those who have made, taken, and equally violated all or most of these contradictory *Oathes, Protestations, Covenants, Ingagements* alike, be not *perjured persons, and Covenant-breakers in folio*, void of all real fear of God, truth, faith, conscience, honesty, religion, if the premised Scriptures, or Eccles. 9. 2. Acts 5. 3, 4, 5. may be credited? And whether those who have been thus perfidious, perjurious, fidefragus, treacherous to all others, can in point of justice, conscience, prudence, policy, impose an Oath upon all or any others, *to be true, faithfull and constant, in their Oaths, Covenants, trusts and obedience unto them*? (especially before themselves have taken any such Oath, *to be true, faithfull, constant* to their own *principles*, or *any fixed setled Government:*) since they have taught them to be *treacherous, perfidious, disloyal*, by their own precedent examples; and God himself hath denounced this *Wo*, and retaliation against such, Isay 33. 1. *Wo unto thee that dealest treacherously, and they dealt not treacherously*

rously with thee; when thou shalt make an end to deal treacherously, they shall deal treacherously with thee. Which we have seen verified of late in sundry particulars even to admiration, by divine retaliation, to deterr all henceforth from the dangerous sin of *Perjury, Treachery, Oath and Covenant breaking.*

4ly. Whether it be not a most impious, unchristian, execrable, if not Atheistical practice, for any persons whatsoever (especially without any colour of Parliamentary Authority) to impose any Oath, Vow, or illegal Ingagement upon others, diametrically repugnant to, inconsistent with their former legal Oaths, Protestations, Covenants, imposed on them by unquestionable Parliamentary Authority, to their lawfull Soveraigns, to ensnare, wound their Consciences, and involve them in the guilt of unevitable, most apparent * *Perjury*, and breach of all their former *Oaths, Protestations, Covenants*? And whether such incur not that wo in *Isay* 10, 1, 2, 3. "Wo unto them that decree unrighteous decrees, and that write grievousnesse, which they have "prescribed, to turn aside the needy from Judgement, to "take away the right from the poor, (*exiled Royal Issue*) "and that they may rob the Fatherless; And what will ye do "in the day of Visitation, and in the desolation which shall "come from far? to whom will ye flee for help, and "where will ye leave your glory? If *Ahabs* and *Jesabels* "suborning of false Witnesses against *Naboath* to gain his "Vineyard, who attested, that *Naboath* did blaspheme God "and the King, brought such a heavy doom upon their "persons and royal Posterity, to their utter extirpation. 1 *Kings* 1. 21, & 22. how much sorer judgements shall they incur, who shall endeavor to make our whole 3. Kingdoms perjured in the highest degree, by ingaging them *to renounce, blaspheme* both *God and the King*, & abjure their former Oaths, Covenants, Protestations, of purpose to disinherit the royal Posterity of their Crowns and Royalties, which they have so precisely sworn, protested, covenanted over and over, inviolably to defend and preserve?

* Qui perjurare compellit et qui compellitur utrique sunt perjuri & homicidæ: Dominus quia præcepit, Miles quia plus Dominum quam Deum & animam suam dilexit. Gratian Causa, 22. qu. 5. Augustin, Serm. 30. de verbis Apostoli.

5ly. Whether it can be just, equitable, prudential, rational, for any in present power, to Commission, intrust, imploy *Anabaptists, Quakers*, with other *Military Officers, Soul-*

diers by Land and Sea, without prescribing any Military *Oath* unto them, (after so many meetings, and violations of their trusts to the late King, Parliament, and other new Governours, Governments of their own erecting, to their total subversion) *to be true, faithfull, obedient, and constant to them*; contrary to the *Discipline of all former Ages amongst the Romanes, Græcians, and most other Nations*, who alwaies **imposed a Military Oath on all their Army-Officers, Souldiers*, (warranted by 2 *Tim.* 2, 3, 4.) And in the mean time, to inforce such *a Oath* upon all their *Judges, Justices*, and Civil Officers, against their Judgements, Consciences, who are *Orthodox in Religion*, approve of lawfull *Oaths*, (*imposed by legal Authority of Parliament*) *Magistracy, and Ministry*, which *Anabaptists, Quakers*, and other *Sectaries* professedly oppugn, and now violently endeavour to suppresse? And whether those now sitting, or any others who have taken the forecited *Oaths* to the late King and his Heirs, or the *Protestation, League, and Covenant*, can without *apparent perjury*, and direct violations of them, repute those few Reliques of the old Parliament, now sitting (forcibly secluding the Lords and Majority of their Fellow-Members) to be a lawfull Parliament within the Statute of 17 *Car.* c. 7? or submit to any Oaths, Taxes, Edicts of theirs as Parliamentarie or legal?

* See Vegetius de Re Militari, l. 2. Alexander ab Alexandro. Genial Dierum, l. 1. c. 21. l. 6 c. 23. Calvini Lexicon Juridicum : Tit. Juramentum Militare, Fr. Connanus, l. 5. c. 3. Grotius de Jure Belli, l. 1. c. 2.

6. Whether the forecited Oaths of *Supremacy, Allegiance, Maiors, Sheriffs, Judges, Recorders, Bayliffs, Parliament-Members*, and others, in direct words, extending not only to the late Kings person, but his Heirs and Successors, do not inviolably bind both them, their Posterities and our whole three Nations, Kingdoms in perpetuity, in point of Law and Conscience, so long as there is any Heir of the Crown and Royal line in being? and that upon these unanswerable Scriptural presidents and legal considerations.

1. Because Gods Oath and Covenant made to *Eve, Abraham, Noah, their Seed and Posterity*, and to the *Israelites and their children, and their Covenant made to God, by Gods own resolution, did oblige God himself and them in perpetuity from Generation to Generation*, Gen. 3. 15. c. 8. 21, 22. c. 9. 1, to 17. c. 13. 16. c. 15. 18. c. 17. 2, to 22. c. 21. 13. c. 24. 7. c. 28. 4, 13, 14. Exod. 28, 43. c. 34. 7. Levit. 22. 3, 4. Numb. 14. 24. c. 18.

19.

19. c. 25. 12, 13. Deut. 1. 8. c. 4. 31, 37. c. 5. 2, 3. c. 7. 9, 10, 11. c. 8. 18. c. 11. 9. c. 28. 46. c. 29. 1, 4, to 20. c. 30. 6, 9. c. 31. 21. c. 34. 4. Josh. 7. 11, 15. c. 24. 3, to 29. 2 Chron. 20. 7, 8. Neh. 1. 5. c. 9. 8, 32. Psal. 25. 13. Isay 34. 5. c. 44. 3. c. 59. 21. c. 61. 8, 9. c. 62. 22. Mal. 2. 4, to 15. c. 4. 6. Acts 2. 39. c. 3 25. c. 7. 5, 45. c. 13. 23. Rom. 4. 13, 16. c. 9. 7, 8. c. 11. 1, 2, 27. Gal. 3. 16. to the end. Heb. 8. 6, to 11. c. 11. 18. c. 13. 20. Lu. 1. 72, 73. Rev. 12. 17. Levit. 26. 9, 15, 25, 42, 44. 2 Kings 17. 15, to 41. Psal. 44. 17, 18. Ps. 78. 10, 38. Ps. 89. 3, 4, 5, 34, 35. Ps. 103. 17, 18. Ps. 105. 8, 10. Ps. 111. 5, 9. Isay 24. 5. c, 42. 6. c. 49. 8. c. 54. 3. Jer. 11. 2 to 12. c. 22. 9. c. 31. 31, 32, 33. c. 29. 10 to 20. c. 33. 20, 21. c. 50. 5. Ezech. 16. 60 62. c. 37. 28, 29. c. 44. 4. Hos. 8. 1. Heb. 6. 16 17. Therefore mens Oaths, Covenants to Kings and their Posterity, must likewise bind in succession and perpetuity.

2ly Because Gods Oath and Covenant made *to David, and to his Howse, Royal Seed and Posterity, touching their succession in the Royal Throne of Iudah*, was hereditary, successive, extending to all his Issue and Posterity: and though many of them were wicked, rebellious, yet this did not cause or provoke God to dethrone, or disinherit them, or infringe his Oath and Covenant to *David*, 2 Sam. 3. 12 to the end. c. 22. 51. 1 Kings 2. 33. Psal. 89. 2, 3, 33, to 38. Ps. 132. 11, 12, 13. Ps. 18. 50. Jer. 33. 17, 19, 20, 21. 1 Chron. 28. 4, to 10. Jer. 17. 24, 24, 25, 26. 1 Kings 11. 12, 13, 36, 39. 2 Kings 8. 9. 2 Chron. 21. 5, 6, 7. 2 Chron. 23. 3, &c. Jer. 23. 4 5. Zezh. 9. 9. John 13. 13, 15. Lu. 1. 32, 33. Therefore much more where Oaths, Covenants are made by Subjects to their Hereditary Kings and their Posterity, they must remain inviolable, and not be abrogated by their transgressions.

3ly. Because *the Oath, which* Joseph *took of his Brethren, the children of Israel, to carry up his Bones, out of* Ægypt *into* Canaan; *when God should bring them out of* Ægypt, *Gen.* 50. 24, 25. though not made precisely for them and their Posterity, was reputed by *Moses* and them, to be obligatorie to their seed, as if made by them, even in point of Conscience: as is evident by *Exod.* 13. 19. *And Moses took the Bones of Ioseph with him*, (though driven out of *Egypt* by *Pharoah*) for he had straitly sworn to the Children of Israel, saying, *God will surely visit you, and you*

shall

shall carry up my bones hence with you. Which bones of his they (by vertue of this Oath) notwithstanding *Pharoahs* pursuit after them, carryed along with them through the red Sea, and through the wilderneſſe forty years, and through the Land of *Canaan*, till they had quite conquered it, notwithstanding all their wars, *Ioſh.* 24. 32. near 500 *years* after this Oath first made. If then *Moſes*, *Ioſhua*, and all the *Iſraelites* held themſelves thus conſcienciouſly obliged by the Oath of their deceaſed Anceſtors above four hundred years before, to carry up *Ioſephs* dead bones out of *Ægypt*, notwithstanding all Objections of haſt and danger from *Pharoah* and his Hoſt, their forty years wandring in the wilderneſſe, their wars in *Canaan*; and meaneſſe of the matter in relation to their publick ſafety, no wayes concerned in it. Then much more muſt our Anceſtors, and our own particular reiterated Oaths in preciſe terms to our Kings, their Heirs and Succeſſors, which ſo much concern our publick Government, Peace, Settlement, Safety, Proſperity, engage our whole Kingdom and three Nations to a conſciencious obſervation of them to the uttermoſt of their power.

4ly. Becauſe *Davids* Oath to *Saul* and *Jonathan* extended to their *ſeed*, 1 *Sam.* 24. 21, 22. "Swear now therefore unto "me by the Lord, that thou wilt not cut off **my ſeed** after "me, and that thou wilt not deſtroy my name out of my Fa- "thers Houſe: And *David* ſwore unto *Saul*: 1 *Sam* 20. 14, "to 18, 42. And *Jonathan* ſaid to *David*, thou ſhalt not only "while I yet live ſhew me the kindneſſe of the Lord, that I "die not, but alſo, **thou ſhalt not cut off thy kindneſſe** "**from my Houſe for ever**, no not when the Lord hath cut off "the Enemies of *David*, every one from the face of the Earth. "So *Jonathan* made a Covenant WITH THE HOUSE OF "DAVID; And *Jonathan* cauſed *David* **to ſwear again**, be- "cauſe he loved him. And *Ionathan* ſaid to *David*, go in "peace, for as much as **We have ſworn both of us in the** "**name of the Lord**, ſaying, the Lord be beeween thee and "me, and **between thy Seed and my Seed for ever.** How conſcienciouſly *David* obſerved theſe Oaths after the deaths of *Saul* and *Ionathan*, is apparent, not only by his *love, favor, and affection to Mephiboſheth for* Jonathans *ſake, whom he re-*

ſtored

stored to all that was Sauls, *& made him eat continually at his Table,* 2 Sam. 9. 1. &c. *and by his slaying of* Baanah *and* Rechab *for murdering* Ishbosheth, Sauls *son, his Competitor, when they brought his head unto him, expecting a great reward,* 2 Sam. 4. But more especially *by his sparing* Mephibosheth, *the Son of* Jonathan, *the son of* Saul, **because of the Lords Oath that was between them,** *between* David *and* Jonathan, (extending to their seed and posteritie) *when the* Gibeonites *demanded 7. of the sons of Saul to be delivered up to them,* 2 Sam. 21. 5, 6, 7.

5. Because Esther 9. 27, 28, 31. *The* * *Iews ordained and took upon them and* **upon their seed, and upon all such as joyned themselves unto them, so as it should not fail,** *that they would keep these two dayes of Purim, according to their writing, and according to their appointed time every year* (as those in the Parliament of 3 Jac. c. 1. and their Posteritie *have observed the* 5 of *November annually ever since*) *and that those dayes should be* **remembred and kept throughout every Generation, every Family, every Province, and every City:** *and that those dayes of Purim should not fail from among the Iews,* **nor the memorial of them perish from their seed: which they decreed for themselves and for their seed.** If the whole Nation of the Jewes by an Ordinance and Decree, might thus binde their seed, posterity, to observe the daies of *Purim for ever*: With like reason they might by an Oath & Covenant oblige themselves and their posterities for ever to their hereditarie Kings, their heirs and posterities for ever: And so may we and all other Nations, by the like Acts, Decrees, and the forecited Oathes, as is clearly resolved, declared, enacted by the Statutes of 25 H. 8. c. 22. 26 H. 8 c. 7. 28 H. 8. c. 3. 35 H. 8. c. 1. 1 Eliz. c. 1. 3. 5 Eliz. c. 1 1 Jac. c. 1. 3 Jac. c 4. 7 Jac. c. 6.

* See Levit. 23. 41.

6ly. Because the president of the *Rechabites*, (who upon the command of their Father *Ionadab* the son of *Rechab*, *That* **neither they nor their Sons for ever should drinke Wine,** *nor build house, nor sow seed, nor plant, nor have any vineyard, but dwell in tents all their dayes; held themselves bound in duty, conscience to obey it, which God himself commends, records, rewards, for others imitation,* Jer. 35. 1. to 15. *who might in like sort oblige them by his Oath and Covenant;*) Is a convincing Argument,

gument that as the * *Warranties, Covenants, Bonds, Contracts, Feofments, Grants, Reservations of Rents, Services, Tenures in fee,* by the Laws of *England*, and other Nations, firmly oblige mens *Heirs, Posterity, Assignees, Executors, Administrators, on both sides in succession and perpetuity*; So likewise their Oaths, Covenants, Protestations, to their hereditarie Kings, their Heirs and Successors, oblige them equally to them in perpetuity and succession.

* Littleton, Fitzh. Brook, Ash, Tit. Warranty, Covenant, Obligation, Condition, Tenure.

7ly. Because it is most evident by *Gen.* 3. 14, 15. *c.* 45. *Exodus* 17. 16. *c.* 20. 5. *c.* 43. 7. 1 *Kings* 2. 33. 2 *Kings* 5. 27. *Jer.* 22 30. *c.* 36. 31. That Parents by their iniquities and transgretsions may draw down and entayl the curses, the judgements of God on them, and their Posterityes after them to their prejudice: Therefore they may much more oblige them by their Oaths, Covenants, to Obedience, Loyalty, Subjection to their hereditary Kings and their Heirs, for their own particular, and the *m Publick good, safety,* as well as Freehold and Copyhold Tenents in Honors, Manors, may oblige themselves, their Heirs and Successors for ever, by Homage, Fealty, Tenures, Contracts to their Landlords, their Heirs and Assignees for ever, by the Common, Statute-laws, of our own and other Realms, though they be no Soveraign Lords and Kings over them.

m prov. 24. 20. 21. Rom. 13. 3. 4, 5, 6. 1 Tim. 2. 2, 3. 1 Pet. 2. 13. 14.

8ly. Because the *Saints and Churches of God* in all *Ages* have held themselves and their posterity bound in Duty and Conscience *to pray to God for the life, safety, prosperity of their Kings, and their Sons and Royal Posterity*, in all hereditary Kingdoms, as is apparent by *Ezra. 6.* 10, 11. *Psal.* 72. 1, 2, 15. 1 *Sam.* 11. 14. 2 Sam. 16. 16. 1 Kings 1. 25. 34, 39. 2 Kings 11. 12. 2 Chron. 23. 11. Psal. 149. 2. Ezech. 9. 9. Dan. 2. 4. *c.* 3. 9. *c.* 6. 6, 21. Mat. 21. 5. 9. John 12. 13, 15. 1 Tim. 2. 1, 2, 3. by all the antient, modern Liturgyes, Collects, Letanyes, Canons of the Churches of *England, Scotland, Ireland, France, Spain*, and other hereditary Kingdoms; The Testimony of *sundry Fathers, Councils, Historians*, and our own *Clause Rolls in the Tower*, n *elsewhere* quoted. Therefore they may lawfullie oblige themselves and their Posterity, by Solemn *Oaths, Covenants, Protestations to obey, protect and defend their*, and their posterities *Royal Persons, Crowns and Royalties.*

n my True & perfect Narrative, p. 95.

9ly. To

9ly. To put this out of further question, I shall only press one Scripture president and testimonie more, wherewith I shall conclude this point, and that is the Historie of the *Gibeonites*, recorded *Josh. 9. & 10.* and 2 Sam. 21. 1. to 13. The *Gibeonites* (a remnant of the *Amorites*, with whom the *Israelites* by Gods expres's command *were to make no peace nor covenant, nor shew any mercy to, but smite with the edge of the sword and utterly destroy*, Deut. 7. 1, 2, 3. c. 20. 16, 17, 18.) *circumventing* Joshua *and the elders of* Israel *by a stratagem, of old bottles, shooes, bread, clothes, and a lying information, that they came from a farr country to make peace and a league with them, by reason of the glorious victories God had given, and the miracles he had wrought for them; thereupon, without asking any advice of God or the Congregation, or examining the truth of their information,* Joshua *and the Elders of the Congregation entred into a league with them,* **to let them live, and sware unto them in the name of the Lord.** *Within three dayes after they heard they were their neighbours and dwelt amongst them, and they came unto their Cities the third day.* * *But the children of Israel smote them not,* **Because the Princes of the Congregation had sworn unto them by the Lord God of Israel.** *Hereupon all the Congregation murmured against the Princes. But all the Princes said unto the Congregation:* **We have sworn unto them by the Lord God of Israel, therefore we may not touch them.** *This we will do unto them, we will let them live* **lest wrath be upon us, because of the Oath that we sware unto them** *And the Princes said unto them, let them live as the Princes had promised them, but let them be hewers of wood and drawers of water to all the congregation. And* Joshua *called for them, and spake unto them saying; Wherefore have ye beguiled us, saying, We are very far from you, when you dwell among us? Now therefore ye are cursed, and there shall none of you be freed from being bondmen, and hewers of wood and drawers of water for the house of my God. And they answered* Joshua *and said; because it was certainly told thy servants, how the Lord thy God commanded his servant* Moses *to give you all the Land, and to destroy all the Inhabitants of the Land before you; therefore we were sore afraid of our lives because of you, and have done this thing. And now behold we are in thine hand, as it seemeth good and right unto thee to do unto us, do. And so*

* Jesus pacem quam dederat revocandam non censuit, quia firmata erat Sacramenti Religione, ne dum alienam perfidiam arguit, suam fidem solveret. Ambrosius de Officiis, l. 3. c. 10.

did be unto them, and delivered them out of the hand of the children of Israel, *that they slew them not. And* Joshua *made them that day hewers of wood, and drawers of water for the congregation, and for the Altar of the Lord* **even to this day**, *in the place which he should chuse.* After this Oath and League the Princes and Congregation were so farr from slaying or suffering them to be slain by their enemies contrarie hereunto, that when as 5. *Kings soon after came up with all their hosts and encamped against* Gibeah, *to destroy it* **because they had made peace with Israel**; *the Gibeonite sending this message to* Joshua *& the camp at* Gilgal; *slack not thy hand from thy servants, to come up to us quickly & save us, for all the Kings of the Amorites that dwell in the Mountains are gathered against us*; thereupon Ioshua *and all the men of Warr with him went up from* Gilgal *all night, and came upon their Enemies sodenly, and smote, & destroyed them with a great slaughter,* delivering them from that danger. About 395 years after this Solem Oath & League, *King* Saul *out of his zeal to the children of* Israel *and* Iudah, *sought to destroy all, and slew some of those* Gibeonites *posterity, contrary to this Oath and League,* for which (35 *years after its violation, and 430 years after its first making) *God sent a famine in the Land for three years, year after year: upon this* David *inquiring of the Lord, what was the true cause thereof? The Lord answered him,* It was for Saul, and for his bloudy house, **because they slew the Gibeonites**, who were not of the Israelites, but of the remnant of the Amorites, and **the children of Israel had sworn unto them**. Whereupon *David called the* Gibeonites, *and said unto them*: What shall I doe for you, *and* **wherewith shall I make the Attonement**, *that ye may blesse the Inheritance of the Lord?* And they said unto the King, *The man that consumed us, and devised against us that we should be destroyed from remaining in any of the coasts of* Israel, *let seven of his sons be delivered unto us, and we will hang them up in* Gibeah of Saul *which the Lord did chuse*; which being accordingly done, after that *God was intreated for the Land,* and removed the famine, 2 Sam. 21. 1. to 15.

* Archbishop Vshers Annal. Ver. Testamenti, Anno 2553. 2983. 3986.

Here we have an Oath and Covenant binding the *Israelites*, their Governours, Heirs and posterity in perpetuitie to the *Gibeonites* and their posteritie; which I shall parallel with our forementioned Oaths, Protestation, Covenant to our hereditarie

ditarie Kings, their heirs and successors, to prove them more obliging to us and our posterities, than this Oath & League of the *Israelites* to the *Gibeonites*, in regard of these observable circumstances & particulars, not hitherto insisted on by any; which I beseech God in mercie to set home effectually upon all our hearts, spirits, consciences, both for our information, reformation, settlement, and avoiding Gods avenging justice on us and our posterities, for our transcendent perjuries, breach of Oathes and Covenants to our Sovereaigns.

1. This Oath and Covenant with the *Gibeonites* Embassadors, was procured by meer fraud, circumvention, misinformation, and apparent falshood, arising meerly from those to whom it was made and sworn: yet it obliged the *Israelites* and their posteritie, to the *Gibeonites* and their progenie in perpetuitie: But the forementioned *Oathes*, together with the Protestation, and Solemn League and Covenant, were made without any fraud, circumvention, misinformation, or false suggestion, upon grounds of loyaltie, dutie, justice, prudence, christianitie, Religion, and State-policie, voluntarily propounded by the makers, takers of them, and ratified in full Parliaments: Therefore they must needs be farre more valid, obligatory to the whole English Nation and their posterities, than this Oath, Covenant to the *Gibeonites*.

2. This League and Oath was made very sodenly, rashly, unadvisedly, without any advice with God and the whole Congregation, or examining, debating the truth of the *Gibeonites* suggestion; yet it bound them when once made: But our Oathes, Protestation, League, Covenant, were all made enacted, enjoyned upon long and serious debate, mature deliberation in several successive Parliaments: Therefore ours must be much more obliging than theirs.

3ly. This League, Oath, was made only by the Princes of *Israel*, without the Congregations privitie, assent or advice, who were discontented with and murmured against them for it, yet it obliged both the Princes, people, and their posterities: But our Oathes, Protestation, League and Covenant, were made not only by all our Princes, Nobles, Peers, but likewise by the whole House of Commons in full Parliaments, and assented to by the whole English Nation both

* see 7 Jac. c. 6. 17 Car. c. 7. & here, p. 7.

in and out of Parliament, the *Commons being the original movers, promoters, contrivers of all or most of them: Therefore they must be much more obligatorie to us and our posterities, than theirs.

4ly. Their League, Oath, was never ratified by any publique Law or decree of the whole Congregation and people of *Israel* in any publike Convention, but only by *Iosua* and the Princes alone; yet they bound the whole Nation: Ours have been approved, ratified, established, perpetuated by sundry successive Acts, Ordinances, Votes of Parliament from time to time, continuing still in their full legal force: Therefore much more valid and binding to us and our posterities, than theirs.

5ly. That Oath, League, was taken, sworn only by the Princes themselves, not by the Congregation and people of *Israel*, yet they were all obliged by them. Our Oaths, Protestation, League, Covenant, have been sworn, taken not only by all our Princes, Nobles, Officers of State, Iustices, but likewise by all or most of the Commons, & people of the Land from time to time, both in and out of Parliament: Therefore much more obliging to us and ours, than theirs.

6ly. This Oath, League of theirs to the *Gibeonites*, was never taken and entred into for ought appears, but once, and that sodeinly, without any subsequent renovation or ratification; But our Oathes, Protestation, League, Covenant, have been swore, taken again and again, by all Members of Parliament, Officers of State, Iustices, Graduates, Lawyers, Ministers, most Souldiers, and others; upon sundry emergent occasions, both in and out of Parliament: Therefore much more obligatory to us and our posterities, then theirs.

7ly. This Oath, League, for ought wee read, was not made explicitly in precise terms with the *Gibeonites*, their heirs and posteritie for ever, but only indefinitely, with the *Gibeonites* then in being, *whose lives they spared*, as the words import; yet because they were a People, State, Citie, Body politick, having a permanent succession; it virtually and intentionally in their own and Gods account

too, extended not only to the *Gibeonites* then living, but to their succeeding issues in *Sauls* time, neer 400 years after, and all succeeding Generations (*as q perpetual National Leagues use to do,*) But our Oaths, League, Covenant in direct terms extend not only to our Kings to whom they were first made and sworn, but likewise **to their heirs, successors, and Royal Posterity for ever,** (see 1 *Jac.c.*1. 3 *Jac.c.*4. 7 *Jac.c.*6. 1 *Eliz.* c. 1. 3.) Therefore they must needs be more binding to us, our Heirs and Posterities in present and succeeding Generations, than theirs to the *Gibeonites.*

q 1 Kings 15. 19. Cook 4 Instit. c. 26. p. 155, 156. 4 H. 5. Rot. Parl. n. 24. 9 E. 4. 2. See Br. & Fith. Tit. Corporation, Abbie. Cooks 1 Instit. f. 2. 94. 102, 150. Grotius de Jure Belli, l. 2. c. 13. Sect. 4. 7. See Magna Charta the Prologue, and cap. ult.

8ly. Their League, Oath, was only with foreign Pagans, Strangers, who became their mere slaves and bondmen in perpetuitie, and had not the least power, jurisdiction over them; yet it bound them to strict observation. Ours are made, sworn to our own Christian, natural Kings, Princes, Soveraigns, of our own flesh, bloud, Nation, to whom we are natural borne Subjects, and owe all dutifull allegiance by the Laws of God, Nature, Nations; Therefore much more obliging to and most religiously to be kept by us and our posterities after us, than theirs.

9ly. (Which is most considerable) this their Oath, League, was made with such an idolatrous remnant of the *Ammonites*, as God himself by expres precepts had commanded *the Israelites to make no League, nor Covenant with, upon any terms, but utterly to destroy with the edge of the sword without mercie, without saving any of them alive,* Exod. 23. 32. c. 34. 12. 13. Deutr. 7. 1, 2, 3, &c. c. 20. 16, 17, 18. Psal. 106. 34, 35.) yet notwithstanding having once entred into a *League with, and sworn to them in the name of the Lord, that they should live,* (though by their own fraud, circumvention, and misinformation) God was so jealous of *his own name, honour, glory*, so unwilling that his own people should perjuriously, treacherously, perfidiously break their Oathe, Covenant sworn in his name, r *being the highest, the most sacred inviolable Obligations & securities that can be betweene God and men, man and man, Nation and Nation*; that he would rather have his positive

r Hebr. 6. 16, 17, 18. Grotius de Jure Belli.

positive judicial Law, (which [f] *some conceive to have a tacit condition in it*) violated and dispensed within this case, (it being not simplie evil in its own nature to spare the *Gibeonites* upon their submission, but onlie a *prohibited evil* by particular Precepts) than his Name prophaned, dishonoured, Religious Oaths wittinglie infringed, and perjurie committed by his own people, against his moral Law, Precept, being sinful, scandalous in their own nature, and of dangerous consequence to all Posteritie, if admitted, approved, to encourage them to commit perjurie, and violate all lawfull Oaths, Covenants, in succeeding Ages, to the scandal of Religion, and prejudice of Mankind. Wherefore this Oath, League, though against these judicial Precepts, not onlie firmly bound the Princes who made them, and all the Congregation in that Age, but King *Saul* himself, and all the *Israelites* in succession four hundred years after. Of which we have another President of *Joshuaes* and the *Israelites* care to perform their Spies Oaths made to *Rahab*, and sworn unto her by the Lord, *to save her, her Parents, Kindred, and Family alive* (though *Canaanites* devoted by God to destruction) *Iosh.* 2. 1, to 24. compared with c. 6. 21, 22, 23. Heb. 11. 31. But our Oaths, Protestation, League, Covenant were all made not to, or with *Amorites* or *Canaanites* particularly devoted by God to the Sword, Slaughter, and utter extirpation without any Truce or League of Peace; but to and with our own hereditary lawfull Christian Kings, their Heirs, Posterities, and Successors, whose Persons, Lives, Crowns, Rights, and Royal Authoritie we are all expressly obliged, commanded by God himself, to *defend, protect with our own lives, fortunes, estates to the uttermost of our Powers, against all Attempts, Treasons, Conspiracies, Traytors, and Invasions whatsoever*: yea precisely prohibited to *offer the least violence, injury to their Persons, Lives, and Regal Authority, in thought, word, or deed*, Prov. 24. 20, 21. Eccles. 8. 2. c. 10. 10. 1 Sam. 24. 3, to 20. c. 26. 8, to 12. 2 Sam. 1, 12, &c. c. 4. 10, 11, 2 Sam. 18. 3. c 21 17 Esth. 2. 21, 12 23. c. 6. 2 Rom. 13. 1, 2, 3. 1 Pet. 2. 12, 13, 17. Tit. 3. 1. 1 Tim. 2. 2, 3. John 18. 36. Therefore our Oaths, League, Covenant, are much more obliging, and consciencioustie to be observed by

[f] Grotius de Jure belli, l. 2. c. 13. §. 4. 7.

by us, and our Posterities for ever, than theirs to the *Gibeonites*, as the only ready way to our peace and settlement.

1oly. This League of theirs to the *Gibeonites* was ratified only with one single *Oath*, yet it bound both them and their Posterity; but ours to our *Kings, their Heirs and Successors*, is ratified with seven successive *Oaths, Protestations, Covenants*, here recited, besides sundry others of like nature taken *by our Ancestors in former Ages*, which I pretermit. Therefore much more strong, indissoluble, obliging to us and our Posterities than theirs. If *a threefold cord be not easily broken*, Ec. eles. 4. 12. much more then *a sevenfold Oath* successively renued, should not easily or quicklie be broken, but remain inviolable to all posteritie.

11. The violation of this Oath, League to the *Gibeonites* by *Saul*, and the *Israelites* near 400 years after its first making, when perchance quite forgotten by them, or conceived to be unbinding to them as gotten by surprise, as not made or taken by themselves, personal to the *Gibeonites* and *Israelites* then living when first made, or at least expired and grown quite out of date by so long a tract of time; was reputed by God himself a great *sinne, perjury in them*, and exemplarie punished by God with three years famine on the whole Land, though *Saul* and the *Israelites* then living never took this Oath, nor made that League themselves, but onlie their Ancestors, so long time before their births. Therefore our violations of the forecited Oaths, Protestation, League, Covenant, so freshlie made, taken, sworn, subscribed with hands lifted up to Heaven, successivelie one after another, by whole Parliaments, the generalitie of our Nation; and not onlie by our deceased Ancestors, but by our selves in person, and so oft reiterated, yet infringed by us time after time in the highest degree, must needs be a more detestable damnable Perjurie, crime, in the eyes of God than theirs, and draw a more long-lasting famine, and other sorer judgements of God upon our particular Persons, Families, Nation, than that breach of their Oath and League with the *Gibeonites*, brought down on them.

* Vastat sitim pemque, domumque, Herodotus, lib. 11.

1 ly. That Oath, League, continued in force to bind the *Israelites*, both to observation and punishment, when violated

violated by King *Saul* and them, after the whole frame of their Government was quite changed from a Principality or Common-wealth (as most of our present Grandees would have it) into a *Kingship and Kingdom*, by the earnest unanimous desire, consent of all the Elders of *Israel*, the generality of the people, and by Gods own approbation, as is evident by the 1 *Sam.* c. 8, to c. 13. Josh. 9. 2 *Sam.* 21, compared together. Therefore our Oath, Protestation, League, Covenant forecited, must by like reason, consequence, much more oblige our whole Nation in present and future to our Kings, their Heirs and Successors, notwithstanding all late violent forcible illegal Alterations, Revolutions of our Governments and Governours, against the Votes of both Houses of Parliament, the desires of the generality of our three Nations, since our Laws admit no *Interregnum* nor Dissesin of the *Crown*, *Kingship*, *Kingdom*, (as the *Statutes of Prærogativa Regis*, 1 *Iacobi*, *ch.* 1. *Cooks 7 Rep. f.* 10. and *u other Lawbooks* resolve) And so our violations of them must be more perjurious, sinfull, and exemplarily punishable, than theirs.

u See Fitzh. Brook, Ash, Title Intrusion, Prerogative.

13. This Oath, League with the *Gibeonites* was violated by King *Saul*, only out of *zeal to the Children of Israel*, & *Iudah*, who (it seems) solicited him thereunto for their own selfe ends or advantage: yet this was no sufficient excuse, nor justification thereof in Gods esteem, being punished with exemplarie justice on his posterity, and a three years famine upon all the Land. Therefore the violation of all our precedent Oaths, Protestations, Covenants, by the Army-Officers, confederate Members, and their Adherents (against the Votes of both Houses, the dehortations of our Ministers, and desires of our three whole Kingdoms) must needs be a far more detestable crime, and be avenged with a more heavy punishment both on them and us, than theirs was heretofore.

14. This breach of Oath, Covenant, notwithstanding all circumstances which might extenuate it, was most exemplary punished, though not on *Saul* the chief Offendor during his life, yet upon seven of his Sons, and Family after his death, in King *Davids* Reign, 35 years after this Offence committed, and upon the whole Nation by a three years famine, though

though it was never infringed but only by one single Act, in slaying some of the *Gibeonites* posterity, and not re-violated by any other subsequent slaughter of them. Therfore though many of the grand Infringers of the precedent Oaths, Protestation, Covenant, may perchance scape scot-free for a time in their own persons, and die without exemplary justice inflicted on them for it, yet let them from this memorable President conclude for certain, that God will sooner or later avenge it upon their *Children and Posterity* to their utter extirpation, (and on the whole Nation too, as he hath done in a great measure already,) it may be 35 years after the Perjuries, Treasons, committed in this kind, especially when not committed only once, but perpetrated and acted over sundry times by a continued, uninterrupted succession of New Perjuries, Treasons, and Violations of them in the highest degree from day to day without fear or shame, as Exod. 20. 5. c 34. 7. Gen. 3. 14, 15. 1 Kings 2. 33. 2 Kings 5. 27. Jer. 22. 30. c. 36. 31. Isay 14. 20 21. Mich. 2. 2, 3, 4, 5. Jer. 6. 15. c. 8. 12. may assure all our late and present Delinquents in this kind and their Posterity, which texts they may do well most seriously to peruse, with bleeding and relenting hearts.

15. This their violation of their League, Oath to the *Gibeonites* was never openly justified, pleaded, written, preached, printed for, nor carried on with solemn Fasts and Humiliations, (most * detestable unto God when thus abused) nor yet solemnly abjured by new contrary Oaths or Engagements forcibly imposed on all the *Israelites*, by *Saul* and his *Counsel of State*, to extirpate the *Gibeonites*: yet it was thus severely punished by God himself on *Sauls* posterity and the *Israelites*. O then what soarer overflowing, desolating Judgements, may our perjurious, Fidifragus *Grandees*, *Saints*, *Nations*, most justlie fear and expect will undoubtedly befall themselves, their posterities and our Kingdoms, (now almost ripened for destruction in wise mens apprehensions) who have not only infringed all our Oaths, Covenants, Protestations, to our lawfull Kings, their Heirs, Successors, and Posteritie over & over in the highest degree, but most impudently justified, pleaded, preached, written, for the lawfulness thereof; yea kept manie Hypocritical, Atheistical *Mock-*

* Isay 58. 3, 4, 5. &c. c. 1. 13. to 16. c. 66. 3. Prov. 21, 27.

Fasts and Humiliations, to promote our most detestable Perjuries, Treacheries, Abominations; and publicklie abjured all our former loyal Oaths, Protestations, Covenants, by new Treasonable enforced Oaths and Engagements, diametricallie repugnant to them. Certainlie if this breach of Oath by *Saul* in slaying the *Gibeonites* could not be expiated, nor the 3 years famine inflicted on the whole Land for it, removed by all King *Davids* and the *Israelites* Fasts, Prayers, Tears, Sacrifices; till this sin of theirs was particularly bewailed, repented, removed, and full satisfaction made to the murdered *Gibeonites* by *David* and his people, by delivering up seven of *Sauls* Sonnes and Posteritie to be hanged up before the Lord in *Gibeah* of Saul, for this perjurie and bloodshed committed so long before by *Saul* their Ancestor, the principal Malefactor. We may justlie fear and conclude, that all our prayers, tears, fasts, humiliations, will never expiate the manifold open violations of these our *Oaths, Protestations, Leagues, Covenants*, by the murders of our late King, and manie thousands of our Protestant Brethren of all sorts for adhering to him, his heirs and posteritie; the violations of the rights, privileges of Parliament, beyond all Presidents of former Ages; and securing, secluding the whole Peers House, and Majoritie of the Commons heretofore and now again, and trampling our fundamental *Laws*, Liberties, Properties, Remonstrances, Declarations, as well as Oaths quite under foot, by new Arbitrarie, Tyranical Acts, Impositions, proceedings of all kinds, exceeding the worst of our former Kings; unlesse all these perjuries, treacheries, breaches of Oaths, Protestations, Covenants in this kind be particularly and publickly confessed, bewayled, reformed, repented if not expiated with the like Justice and Executions upon the persons or Sons of some of the most capital Delinquents in this kind, to appease Gods wrath, and preserve our whole three Kingdomes from utter ruin; our perjuries and breaches of all Oaths, Faith, Trusts, being now so generallie and universally infamous throughout the world, that FIDES ANGLICA, is become as proverbial AS [c] FIDES PUNICA, SCOTICA, or HYBERNICA in former Ages, to our perpetual infamie: Which, if this Publication may redresse, reform

[c] Erasmi Adagia. Walsingham Hist. Ang. Antiquit. Eccl. Brittan. p. 295, 296. Giraldus Cambrensis Typographiæ Hyberniæ, c. 20, 22, 24.

form for the future, I shall bless God for it, and have some hopes of better times, things, then yet we can possibly expect whiles under the guilt, breach of so many contradictory Oathes, Protestations, Leagues, Covenants, Ingagements.

By the antient Oath of *Fealty* and *Allegiance*, (which both the Subjects of *England*, and *Kings*, *Bishops*, *Nobles*, and *Subjects* of *Scotland*, made to the Kings of *England* and their heirs, as supreme Lords of *Scotland*, in these words.) *Ero fidelis & legalis, fidemque & legalitatem servabo*, Henrico (& Edwardo) *Regi Angliæ*, **et Hæredibus suis**, *de vita & membris, & terreno honore, contra omnes qui possunt vivere & mori: Et nunquam pro aliquo portabo arma, nec ero in consilio vel auxilio contra eum vel* **Hæredes suos**, *in aliquo casu qui possit contingere, sed fideliter recognoscam, et fideliter faciam servitia quæ pertinent ad tenementum quod de eo tenere clamito, Sic me Deus adjuvet & omnes Sanctos ejus.* (Which Oath 1 *William* King of *Scots* and all his Nobles swore to King *Henry* the 2. **et Hæredibus suis**, *sicut ligio Domino suo*: And 2 *John Balliol*, *John Comyn*, with all the Nobles of *Scotland* to King *Edward* 1. and his *heirs*: Anno 1293, 1294, 1297.) they all in expres terms obliged themselves and their heirs, to be true and faithfull Subjects to the *King and his heirs*: Which though valid, obligatorie in it self to our Kings posteritie, yet some of our Kings in their life-times, made both the Scots and English Subjects to take a new Oath of Fealty and allegiance to their heir apparent and his heirs, *saving the fealty, homage and allegiance done to themselves.* Thus c *William King of Scots* with all his Nobles, Barons and Knights of *Scotland*, did *Fealty* and *Homage* to *King Henry* the 2. and to *Henry* his son, and **his heirs**, as to his Liege Lords, *salva fide Domini Regis patris sui.* Anno 1175. Yea before this, Anno 1128. by the command of King *Henry* the 1. the Archbishops, Bishops, Abbots, *David* King of *Scots*, with all the Earls and Barons of *England*, swore homage and fealtie to *Maud* his daughter and heir, *ut filiæ suæ Imperatrici* **Fide servata**, *regnum Angliæ* **Hæreditario jure** *post dies suos* **sibi et hæredibus suis legiti-**

1 Roger de Hoveden, Annal. pars posterior, p. 545, 546.

2 Tho. Walsingham Hist. Angliæ, p. 22, 33, 34. Mat. Westm. Anno 1293, 1294, 1297.

c Hoveden, p. 545, 546, 549, 550.

d Hoveden Annal. pars posterior, p. 480. Simeon Dunelmensis, Hist. col. 254. Radulphus de Diceto Abbrev. Chron. col. 504. Chronicon Johan. Bromton, col. 1006. Henry de Knyghton de Eventibus Angliæ l. 2. c. 9. Gul. Nubrigensis, Hist. l. 1. c. 3, 4. 30, 32. Mat. Paris, Mat. Westminster, Holinshed, Caxton, Fabian, Speed, in the lives of H. 1. Stephen, & H. 2.

me procreatis servarent *nisi sobolem virilis sexus ipse Rex in posterum procrearet*. The perfidious violation of which Oath by them after King *Henries* death in crowning *Stephen*, brought **exemplary judgements* on *the wilfull violaters* therof, and a *bloudy, long-lasting civil warr within the bowels of the Realm* between *Maud*, her son *Henry*, and the Usurper *Stephen*, to the great oppression, devastation, desolation of the publique, & people, as our Historians observe; all the good they hoped for by disinheriting *Maud*, and crowning *Stephen* upon their own terms, against his own and their *Oathes*, becomming *void and null* by his *perfidiousnes*, through divine Justice, *which will never permit any good things to spring out of such enormous evils as perjury and treachery*; which produced sundry judgements and civil wars, never ceasing till *Henry* the right heir *was restored to the Crown by a friendly agreement*; the only probable, speedy way now to end our present wars, oppressions, distractions, Military Government, and restore peace, and prosperitie in our Nations. After this, An. 1191. upon the dejection of the insolent Bishop of *Ely* from his Vicegerentship under King *Richard* the first, [e] all the *Nobles of England* assembling together, *swore Fealty* to *Richard King of England, and* **to his heir** *against all men.* The Citizens of *London* swore the like *Oath*; *and that if* King *Richard should die without issue, they would receive* Earl John *his Brother for their* **King and Lord**, *& juraverunt ei* **Fidelitatem** *contra omnes homines, salva fidelitate Regis* Richardi *fratris sui*: as *Hoveden* relates.

* Holinshed, Vol. 3. p. 46.

e Hoveden Annal. pars posterior, p. 702. 718.

In Clauf. 24 H. 3. m. 15. dorso, soon after the birth of *Edward* the 1. son and heir apparent to King *Henry* the third, I find this memorable writ issued to all the Sheriffs of *England*, to summon all persons above 12. years old, to swear *Fealty* to him, as **Heir to the King**, and to submit themselves faithfully to him as to their Liege Lord after his death.

Rex Vic. *Eborum*: salutem; Præcipimus tibi quod in fide qua Nobis teneris, et sicut teipsum et omnia tua diligis venire facias ad loca certa & ad dies certos, sicut commodius fieri potevit, **Omnes** liberos homines de balliva tua ætatis 12. Annorum et supra, et **eos omnes coram te jurare facias**;

ita

ita quod hæc sit forma juramenti sui, scilicet: *Quod ipsi salvo Homagio et fidelitate nostra, qua Nobis tenentur, & cui in vita nostra nullo modo renunciare volumus,* **Fideles eritis Edwardo filio nostro primogenito,** *ita quod si de Nobis humanitus contigerit,* **eidem tanquam hæredi nostro et Domino suo ligio erunt fideliter intendentes, et eum pro Domino suo ligio habentes:** *Et talem circa hoc exhibeas diligentiam, ut inde merito debeatis commendari.* Teste meipso apud *Westm.* 24 die *Febr.* Ann. r. n. 24. Eodem modo scribitur omnibus Vicecomitibus: and it appears by *Dors.* 12. they were summoned and sworn accordingly. In the Parliament of 5 H. 4. rot. Parl. n. 13. & 17. The *Lords Spiritual* and *Temporal*, and *Commons*, were sworn *to bear faith and true allegiance* **to the King, to the Prince, and to his issue, and to every one of his Sonnes severally succeeding to the Crown of England**; *and that of their own accord.* The like Oath was taken to the *King*, *Queen*, *Prince Edward*, and the **Heirs of the Kings body** in the Parliament of 38 H. 6. rot Parl. n. 26. And to g *Prince Edward* Son and heir apparent to King *Edward* the 4th **and his Heirs**, in the *Parliament of* 11 E. 4. entred in the Clause Roll of 11 E. 4. m. 1. dorso. Yet in point of Law, Conscience, the first Oathes of *Fealty* and *Allegiance* to each of these *Kings his heirs and successors*, *obliged all that took them as firmly to their *heirs and successors*, as their *Homages* made by them to these Kings or other *Lords*, (which extend equally to their heires, and shall not be *b reiterated*, nor *renewed* to them upon this Account, unless in some special cases) and binde not only those that took them, but their heirs and posteritie likewise, although they never tooke these *Oaths* themselves, at least to a *religious conscientious observation*, though not to *the actual legal penalties of Perjury*; as *Angelus de Clavasio* in his *Summa Angelica*, tit. *Juramentum* 5. sect: 24. 40. and other Canonists distinguish; and the forecited Scriptures infallibly demonstrate; especially being made for the publick good, peace, settlement, of the Kingdom, warranted by the policie, presidents of all ages, prescribed by our Lawes, Parliaments, for the safetie, securitie, settlement, as well of our Religion, Church, Kingdoms,

f Exact Abridgement of the Records in the Tower, p. 426, 427. 662, 663.

g The first Part of my Regiſter of Parliamentary Writs, p. 108, 109.

* 26 H. 8. c. 2. 28 H. 8. c. 7.

h Littleton, Sect. 148, 149. Britton f. 175, 176. Cookes 1 Instit. f. 103, 104.

doms, Government, as of our Kings and their posteritie; and so not *o to be violated, through fear, menaces, hopes of worldly gain or preferment*, nor dispensed with by any *Papal* or *other human power whatsoever*; the *i* breach of Oaths, Leagues, Covenants, being A GRAND WICKEDNESSE *and high prophanation of the* TRUTH, FAITHFULNESSE, NAME, AND CONSTANCY OF GOD HIMSELF, *as well as transgression of his Law and Gospel*, deserving the highest temporal and Ecclesiastical censures in this world, as well as eternal condemnation in the world to come, *Ezech.* 17. 16, *to* 22. *& Jer.* 34. *Neh.* 5. 12. 13.

7. Whether the late illegal Oaths, Ingagements to the New *Republicans* and *Protectors*, enforced on the people against their Consciences, without any lawfull Parliamentary Authority (which *only can legally* make, prescribe, impose new *Oaths* upon the Nation, as the marginal k *Statutes* resolve, past all dispute) being directly contradictorie to their former lawfull Oaths to our Kings, their Heirs and Successors, be not absolutely void in conscience, yea mere prophanings, abuses of Gods sacred Name; and if taken out of *fear or weaknesse, no wayes to be observed*, no more than *Davids Oath, resolution to slay* Nabal *with all his Family*, 1 Sam. 25. or *Herods Oath to Herodias*, which he had *more justly violated than observed, in beheading* John the Baptist, *Mat.* 14. 6, to 13. or those *Jews* Vow, *who vowed they would neither eat nor drink till they had killed Paul*, Acts 23. 21. &c. Which *sinful Oaths, Vows*, were no *wayes to be observed by shedding innocent blood*, as both the *Fathers, Councils, Canonists, Casuists*, and *Scoolmen* resolve, as you may read at large in *Gratian Caus.* 22. *quest.* 4. *Summa Angelica, Tit. Juramentum, sect.* 3. 4 5. *Peter Lombard, Sent. l.* 3. *distinct* 29. & most *Schoolmen* on his Text, whose definitive Doctrine is this: *Si quis alicui juraverit contra fidem, charita-*

i see Aug. serm. 30. Gratian Causa 22. q 1. 2. 5. Summa Angelica, Tit. Juramentum & Perjurium. Bochellus Decreta Eccles. Galli. canæ, lib. 8. Tit. 13. De Jurejurando & Perjurio. Chrysostom Homil. 17 in Mat. & Hom. 9 12. in Acta Apost. Dr Beards Theatre of Gods Judgements, l. 1. c. 28 Cooks 3 Instit,. c 74.

k Mag. Charta c. 28. 51 *H.* 3. Stat. of the Eschequer, 51 H. 3. c. 22. 3 E. 1. c. 14. 40. 6 E. 1. c. 8. 9 E. 3. Stat. 2. c. 6, 14 E. 3. c. 5. 18 E. 3. stat. 3. 20 E. 3. c. 1, 2. 25 E. 3. c. 1. 27 E. 3. Par. 2.

c. 1. 10. 16. 24. 26. 5 R. 2. c. 2. 12, 13, 6 R. 2. c. 12. 12 R. 2. c. 28. 17 R. 2. c. 9. 21 R. 2. c. 5. 4 H. 4. c. 10. 18. 20. 21. 2 H. 5. c. 4. 6, 7. 4 H. 5. c. 2. 4. 2 H. 6. c. 10. 18 H. 6 c. 4. 10. 20 H. 6. c. 10. 23 H. 6. c. 2. 33 H. 6. c. 3. 5. 3 E. 4. c. 3. 7 E. 4. c. 1. 8 E. 4. c. 2. 12 E. 4. c. 2, 3. 17 E. 4. c. 2. 1 R. 3. c. 6. 19 H. 7. c. 14. 2 H. 8. c. 8. 3 H. 8. c. 2. 14. & 15 H. 8. c. 3. 21 H. 8. c. 16. 21 & 22 H. 8. c. 7. 23 H. 8. c. 5. 25 H. 8. c. 20. 26 H. 8. c. 2. 4. 13. 27 H. 8. c. 27. 28 H. 8. c. 7. 10. 32 H. 8. c. 46. 35 H. 8. c. 1. 5 E. 6. c. 5. 1 Eliz. c. 1. 5 Eliz. c. 1, 23 Eliz. c. 6. 27 Eliz. c. 12. 43 Eliz. c. 12. 1 Jac. c. 31. 3 Jac. c. 14, 15. 7 Jac. c. 2. 6. 21 Jac. c. 7. 20, 21. The Petition of Right 3 Car. 17 Car. c. 7. 1 Car. c. 1. 2 Car. c. 1.

tem

tem & officium, quod observatū pejorem vergat in exitum, potius est mutandum quam implendum: Qui enim sic jurat vehementer peccat, cum autem mutat benè facit: Qui autem non mutat dupliciter peccat; **Et quia injuste jurabit, et quia facit quod non debet.** And l *that when a man hath once obliged himself by a legal Oath to God and his Soveraign, any latter Oath repugnant to, or inconsistent with it is unlawfull*: Upon which account our m *Lawbooks* and *Laws* resolve, that when ever any man swears Fealty, or doth Homage to his Landlord for the Lands held of him, it shall be with this special exception, **saving the Faith which I owe to our Lord the King**, who is the Soveraign Lord of all his Subjects, principally *sworn unto, and to be obeyed in the first place* before all or any others. Hereupon n *Walter* Bishop of *Exeter*, Anno 6 E. 1. for omitting this Clause out of the Homage he received of his Tenants in *Cornwall*, IN CONTEMPTUM DOMINI REGIS, *& ad manifestam, quo ad* PRIVILEGIUM IPSIUS DOMINI REGIS EXHÆREDATIONEM, ET DAMNUM IPSIUS DOMINI REGIS *ad valentiam* DECEM MILLE LIBRARUM, he had judgement given against him for it upon an *Information*, and was put to a great fine and ransome for this his transcendent offence. Upon this very account *Honnore Bonbor* Prior of *Salon*, an eminent Doctor of the Canon law, in his *Larbre des Battailles*, ch. 50, 51. resolves, out of other Doctors, *That if the King moves war against any Baron of his Realme, his Tenants and Homagers are not bound to assist him in his wars against the King by their Homage or Fealty, but rather to assist the King against him*, BECAUSE THE KING IS SOVERAIGN LORD TO THEM BOTH; and the Barons lesser power and inferiour Dominion, *is swallowed up or suspended by the presence of the King, the greater and superior Lord; and because the Baron commits both Treason and Perjury against the King, by violating his Homage, in taking up Arms against him;*) Whereupon *his Tenants are not bound to ayd him in his Perjury and Treason against his Soveraign.* And ch. 100, 101, 102. he determines, *That if a man be a Subject to two Kings, States, or Cities, which afterwards wage war against each other, he is bound to serve the King, State, City in the*

l Summa Angelica, Juramentum 5. sect. 16.

m Glanvil l. 9, c. 1. Mirrour. c. 3. Bracton, f. 78, 80. Britton, f. 170, 171. Littleton, sect. 85. Cook 1 Instit. f. 64, 65. Spelmanni Glossarium, p. 356, 357, 358.

n Cooks 1 Instit. f. 65.

the wars, to which HE WAS FIRST SWORN AND OBLIGED, because his latter Oath and Homage to his last Soveraign cannot invallid nor discharge his first Oath and Allegiance to his old one; Much lesse then can these later *Treasonable Oaths, Engagements* to a *New Protector* or *Republick*, dispence with those antecedent legal Oaths, Protestation, Covenant to our *lawfull King and his Heirs*, nor oblige us in the least degree to fight against or oppose their *Persons, Titles, Rights*, to perpetuate our wars, miseries, taxes, oppressions, confusions, and prevent our future settlement.

Let us therefore all now seriously remember, consider in the fear of God, That as all who have been *Judges, Justices, Maiors, Bayliffs of Towns, Barresters, Benchers, Ministers, Graduates in Universities, Attorneys, Civil or Ecclesiastical* Officers in any kind, *Members of the Commons House*, or Tenants to the King, before the year 1649. have oft taken the premised Oaths of *Maiors, Justices, Fealty*, or at least of *Supremacy* and *Allegiance*; So all *Aldermen, Governors, Assistants, Livery men, Common-Counsel-men*, and *Freemen* whatsoever of every *City, Corporation, Society, Company, Fraternity*, throughout the Realme, have likewise taken another *Oath* beginning thus, *You shall swear*, **to be good and true, or true Liegeman to our Soveraign Lord the Kings Majesty, and to his Heirs and Successors.** Which if they will all now conscienciously verifie and resolutely fulfil to the *Right Heir and Successor of the Crown*, they may soon put a period to all their present *Oppressions, Taxes, Excises, arbitrary Militiaes, Distractions, Fears, Dangers*, under their New *Ægyptian Taxe Masters*, and make themselves real *ENGLISH FREEMEN*, without any new Warr, or much feared forein invasion, instead of continuing *Bondslaves* under a misnamed *Free-State*, in which no wise men can yet discern the least shadow of *Freedom* or *Security*, but inevitable desolation in the present posture of its publick Affairs, and a necessity of involving himself in the guilt of *New Oaths*, more treasonable than the *Bishops late &c. *Oath*, which can neither be imposed, nor administred without danger, and the guilt both of *Perjury and High Treason* to the *King, kingdom*, and *Parliament*, by all our known Laws resolution.

* See Cooks 3 Instit. cap. 1. 74. Canterburies Doom, p. 19. 26. 40.

I

I shall close up all with this memorable seasonable antient Canon, Resolution, and *Anathema* of the 4th. *Council* of *Toledo* in *Spain* Anno 681. Can. 74. as an effectual means (through Gods blessing) to reclaim us from our former Perjuries, Treacheries, Regends Disloyalties to our lawfull Kings and their Posteritie, to restore them to their hereditarie Rights, divert Gods heavy Judgements from us, to settle us in firm, lasting peace for the future, and restore our pristine Tranquility, Unity, Trade, Honour, Prosperity so long expected, desired. k *Multarum gentium (ut fama est,* being then principally intended of the antient l *Britains, Saxons, Northumberlanders*, exceeding all other Nations **in Perjury, Treachery to, rebellions against and murders of their Kings**, and now exceeded therein by us of this Age) tanta "extat perfidia animorum, **ut fidem sacramento promissam "Regibus suis observare contemnant, et oze simulant "Juramenti professionem, dum retinent mente perfidiæ "impietatem. Jurant enim Regibus suis, et fidem, quam "pollicentur, prævaricantur**; nec metuunt volumen illud "judicii Dei, per quod inducitur maledictio, multaque pœ- "narum comminatio super eos, qui jurant in nomine Dei "mendaciter. Quæ ergò spes talibus populis, contra ho- "stes laborantes, erit? Quæ fides ultra cum aliis gentibus "in pace credenda? quod fœdus non violandum? quæ in "hostibus jurata sponsio stabilis permanebit, **quando ipsis "propriis Regibus juratam fidem non servant?** Quis e- "nim adeò furiosus est, qui caput suum manu sua propria "desecet? Illi (ut notum est) immemores salutis suæ, pro- "pria manu seipsos interimunt, **in semetipsos suosque "Reges propias convertendo vires.** Et cum dominus "dicat, Nolite tangere Chtistos meos, & David: quis in- "quit, extendet manum suam in Christum Domini, & inno- "cens erit? **Illis nec vitare metus est perjurium, nec Regi- "bus inferre exitium.** Hostibus quippe fides pacti datur, nec "violatur. Quod si in bello fides valeat, quanto magis in "suis servanda est? **Sacrilegium quippe est si violetur "a gentibus Regum suorum promissa fides, quia non so- "lum in eos fit pacti transgressio, sed et in Deum, in cu-**

k Surius Concil. l. 2. p. 736, 737. See King James his Apoligy for the Oath of Allegiance.

l Gildas de excidio & conquestu Britanniæ Concil. c. 12. Calcuth, Spelmanni Concil. p 295, 296. Malmesburi de Gestis Reg. l. 1. c. 3. p. 26, 27. Mat. Westm. Anno 838.

"jus nomine pollicetur ipsa promissio. Indè est, quod "multa regna terrarum, cælestis iracundia ità permutavit, "ut pro impietate fidei et morum, alterum ab altero solvere- "tur. Unde & nos cavere oportet, casum hujusmodi gen- "tium, nè similiter plaga feriamur præcipiti, et pœna pu- "niamur crudeli. Si enim Deus Angelis in se prævarican- "tibus non pepercit, qui per inobedientiam cælestе habita- "culum perdiderunt; unde & per *Esaiam* dicit: *Inebriatus* "*est gladius meus in cælo*: quantò magis nos nostræ salutis "interitum timere debemus, nè per infidelitatem eodem sæ- "viente DEI gladio pereamus? Quòd, si divinam iracundi- "am vitare volumus, et severitatem ejus ad clementiam pro- "vocare cupimus, servemus erga Deum religionis cultum, "atque timorem, **custodiamus erga Principes nostros** "**pollicitam fidem atque sponsionem.** Non sit in nobis, ut "in quibusdam gentibus, infidelitatis subtilitas impia, non "subdolæ mentis perfidia, **non perjurii nefas, et conju-** "**rationum nefanda molimina.** Nullus apud nos præ- "sumptione regnum arripiat, nullus excitet mutuas seditio- "nes civium, **nemo meditetur interitus regum**; sed, de- "functo in pace Principe, Primates gentis cum sacerdotibus "(filium ejus) Successorem Regni **Consilio communi con-** "**stituant**, ut dum unitatis concordia à nobis retinetur, "nullum patriæ gentisque dissidium, per vim atque ambi- "tum moliatur. Quòd si hæc admonitio mentes nostras "non corrigit, et ad salutem communem cor nostrum ne- "quaquàm perducit, audi sententiam nostram. Quicun- "que ergò ex nobis, vel totius Hispaniæ populis, qualibet "conjuratione vel studio **Sacramentum Fidei suæ**, quod "pro patriæ gentisque Gothorum statu, **vel conservatione** "**Regiæ salutis pollicitus est, temeraverit, aut Regem ne-** "**ce attrectaverit, aut potestate Regni exuerit, aut præ-** "**sumptione tyrannica regni fastigium usurpaverit**: Ana- "thema sit in conspectu Dei Patris, et Angelorum, Chri- "sti, et Apostolorum ejus, Spiritus Sancti et Martyrum Chri- "sti, atque ab Ecclesia Catholica, **Quam perjurio pro-** "**phanaverit**, efficiatur extraneus, & ab omni cætu Chri- "stianorum alienus, cum omnibus impietatis suæ sociis,

quia

"quia oportet, ut una pœna teneat obnoxios, quos simi-
"lis error invenerit implicatos. Quod iterum, secun-
"do, et tertio, replicamus et acclamamus. Qui contra hanc
"nostram definitionem præsumpserint, Anathema, Marana-
"tha; hoc est, perditio in adventu Domini sint, et cum
"Juda Scarioth partem habeant ipsi & socii sui, et cum Di-
"abolo et Angelis ejus æternis suppliciis condemnantur.
Amen.

FINIS.

A POSTSCRIPT.

MAny are the Presidents of Gods severe personal and National Judgements inflicted upon perfideous perjurious Infringers of their *Oaths* and *Covenants* to their lawfull *Soveraigns* and their *Heirs*, both at home and abroad: For domestique Presidents of this nature, I haue presented you with some signal ones, in *the Second Part of my Legal and Historical Vindication of the Fundamental Liberties, Rights and Laws of* England, *London* 1655. p. 29 to 37, 44, 46, 47, 56, 57, 60, to 65, 79, 80. & Part 3. p. 23. 31, 54, 55, 58, 85, 97, 98, 102, 103, 106, 136, 138, to 146, 170, to 175, 201, to 229, 254, 256, 258. 260, 266, 267, 322, to 327, 333, to 370. before the Conquest. The like Presidents since, you may peruse in *Henrici Huntindonensis*, Hist. l. 8. p. 291, 292, 293. *Rogeri de Hoveden Annalium pars prior*, p. 483. *Holinshed*, *vol.* 3. p. 46. and Doctor *Beards Theatre of Gods Judgements*, Book 1. ch. 28. I shall instance only in two remarkable forein Examples of this kind.

The first is in the usurping [c] *Emperour Rodulph*, Duke of *Swethland*. Pope *Hildebrand*, antichristanly Excommuni-

[a] See Huntindon Hist. l. 7. p. 367, 368. Hoveden Annal pars prior, p. 449.

[b] Caronis Chronicon. Grimstons Imperial History, in the life of Rodulph. Dr. Beards Theatre of Gods Judgements, l. 1. c. 28, p. 174

[c] Henrici Mutii Chronicon Germaniæ, l. 15.

doms, Privileges of Parliament, by those in late and present power, against all the premised Oaths, Protestations, Solemn League and Covenant, sworn by them in the name, presence of God himself, and the Lord Jesus Christ, with hands laid on the Evangelists, and lifted up to Heaven, and then subscribed for a perpetual Memorial; cry aloud to God and Christ for the like avenging Justice from Heaven against the perjurious Infringers of them in a far higher degre than *Vladislaus* was guilty of, if spread and held up before them by the disinherited King and Lords? No doubt it will in Gods due time, if not speedily, really and deeply bewailed repented of, by a plenarie satisfaction and restitution: *And cause God to shake out every man (and his Posterity too) from his House, and from his labour, and empty him and his* of all present honours and enjoyments, (as *Nehemiah shaked and emptied his lap,*) *that performeth not these Oaths, Protestation, League, Covenant, to which he and all the Congregation have said Amen*, Neh. 5. 12, 13. "Since the every *Pagan Græcians*, and *Romanes* insinuated as much in the Ceremonies "of their sacred Oaths, wherein they prayed, That if they did "not faithfully observe them without guile, that *Jove* and "the other Gods would smite and slay them as they did the "lamb they then sacrificed to them, and that they might "be cast out and perish like the stone they threw out of their "hands when they swore; the Religion of an Oath, being "so great amongst the very Heathens, that they thought all "human Society abolished with its violation, and those "persons unworthy to live or breath amongst men, who "durst presume to infringe it, though to their losse and "prejudice. And shall they not condemn us Christians, and those most refined *Saints* of this Age, who like the perfidious Atheistecal *f Carthagenians, Thessalonians*, and *Parthians*, regard neither *God*, nor *Altars*, nor *Covenants*, nor *Oaths, no farther than they serve their turnes to cheat and circumvent men*; to whom profit is more sacred than *Faith* or *Oaths*? No doubt they will.

e Titus Livius Hist. l. 1. & 20. Cælius Rhodiginus, Antiqu. Lect. l. 21. c. 15. Alexander ab Alexandro, Gen. Dierum l. 5. c. 10. Grotius de Jure Belli. l. 2. c. 13.

f Alexander ab Alexandro l. 5. c. 10.

Ezech. 17. 18, 19, 20, 21. *Seeing he despised the Oath by breaking*

breaking the Covenant, (when lo, he had given his hand) and hath done all these things, he shall not escape. Therefore thus saith the Lord GOD, As I live, surely mine Oath that he hath despised, and my Covenant which he hath broken, even it will I recompence upon his own head. And I will spread my net upon him, and he shall be taken in my Snare, And I will bring him to Babilon, *and will plead with him there, for his Trespasses that he hath trespassed against me. And all his Fugitives, with all his Bands shall fall by the sword, and they that remain shall be scattered towards all Windes; and ye shall know, that I the* LORD *have spoken it.*

FINIS.

ERRATA.

P. 13. l. 6. 1647. r. 1657. p. 16. l. 6. Justification, r. *Prevarication.* p. 18. l. 2. Meetings, r. *Mutinies.*

Margin. P. 23. l. 7. r. *Sacramenti.*

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